

EXHIBIT D

EASTERN SHORE OF MARYLAND

Contract for

MANAGEMENT AND OPERATION OF REGIONAL TRANSIT ADVERTISING PROGRAM

Contractor

Vector Media Transit, LLC
1615 York Road, Suite 204
Lutherville, MD 21093
443-275-1770 X 317
msheely@vectormedia.com

Clients

Tri-County Council for the Lower Eastern Shore of Maryland
Shore Transit Division
31901 Tri-County Way
Salisbury, MD 21804
Office phone: 410/341-8980

Queen Anne's County/County Ride
312 Safety Drive
Centreville, MD 21617
Phone: 410.758.2357
Fax: 410.758.4489
mnash@qao.org

Regional Transit Advertising Contract Services Agreement
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EASTERN SHORE OF MARYLAND REGIONAL TRANSIT CONTRACT

CONTRACT SERVICES AGREEMENT

THIS CONTRACT SERVICES AGREEMENT (herein "Agreement"), is made and entered into this 1st day of December, 2019, by and between the Client, TCC-Shore Transit and Queen Anne's County/County Ride, and Contractor, Vector Media Transit, LLC. The parties hereto agree as follows:

1.0 SERVICES OF CONTRACTOR

1.1 Scope of Services. In compliance with all terms and conditions of this Agreement, the Contractor, Vector Media, shall provide those services specified in the "Scope of Services" and incorporated herein by this reference, which services may be referred to herein as the "services" or "work" hereunder. As a material inducement to the Client entering into this Agreement, Contractor represents and warrants that Contractor is a provider of first class work and services and Contractor is experienced in performing the work and services contemplated herein and, in light of such status and experience, Contractor covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials will be of good quality, fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Contractor's Proposal. The Scope of Service shall include the Contractor's proposal or bid which shall be incorporated herein by this reference as though fully set forth herein. In the event of any inconsistency between the terms of such proposal and this Agreement, the terms of this Agreement shall govern.

1.3 Compliance with Law. All services rendered hereunder shall be provided in accordance with all ordinances, resolutions, statutes, rules, and regulations of the Client and any Federal, State or local governmental agency having jurisdiction in effect at the time service is rendered.

1.4 Licenses, Permits, Fees and Assessments. Contractor shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Contractor shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Contractor's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless the Client against any such fees, assessments, taxes penalties or interest levied, assessed or imposed against the Client hereunder.

1.5 Familiarity with Work. By executing this Contract, Contractor warrants that Contractor (a) has thoroughly investigated and considered the scope of services to be performed, (b) has carefully considered how the services should be performed, and (c) fully understands the facilities, difficulties and restrictions attending performance of the services under this Agreement. If the services involve work upon any site, Contractor warrants that Contractor has or will investigate the site and is or will be fully acquainted with the conditions there existing, prior to commencement of services hereunder. Should the Contractor discover any latent or unknown conditions, which will materially affect the performance of the services hereunder, Contractor shall immediately

inform the Client of such fact and shall not proceed except at Contractor's risk until written instructions are received from the Contract Officer.

1.6 Care of Work. The Contractor shall adopt reasonable methods during the life of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the work by Client, except such losses or damages as may be caused by the Client's sole negligence.

1.7 Further Responsibilities of Parties. Both parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonably necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither party shall be responsible for the service of the other.

1.8 Additional Services. The Client shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written order is first given by the Contract Officer to the Contractor, incorporating therein any adjustment in (i) the Contract Sum, and/or (ii) the time to perform this Agreement.

1.9 Special Requirements. Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as Exhibit "B" and incorporated herein by this reference. In the event of a conflict between the provisions of Exhibit "B" and any other provisions of this Agreement, the provisions of Exhibit "B" shall govern.

2.0 COMPENSATION

2.1 Guaranteed Minimum Annual Payment: \$30,000

2.2 Percentage Payment: Vector Media will provide a revenue share of 55% of all net media collections.

The offer is based on an annual guarantee of \$30,000 paid out in 12 equal installments of \$2,500 per month beginning on the 15th day of the month.

There will be an annual accounting to determine revenues due based on the greater amount of the annual guarantee and the annual revenue collected by the contractor.

The payment schedule is contingent on the agreed upon size and proximity for the advertising space.

- Full wraps:
- Full side advertisements,
- King displays
- Queen displays
- Half sides
- Headliners
- Full backs

2.3 Transition of contracts: Upon the expiration or termination of this Agreement, Contractor agrees to assign to TCC-Shore Transit or to its successor advertising contractor, all advertising contracts on TCC-Shore Transit and Queen Anne's County/County Ride vehicles and such contracts shall thereupon become the property of the Tri-County Council or Queen Anne's County. For a period of 12 months following the expiry or termination of this Agreement, the client or its assigns agree to pay Contractor 20% of the gross advertising space revenue from such contracts that extend beyond the expiry or termination of the Agreement, plus all unamortized production charges of such advertising contracts.

2.4 Posting Fees: Vector Media will be allowed to charge market value posting fees for any advertising that has been donated to any non-commercial entities.

2.5 Contract Sum: For the services rendered pursuant to this Agreement, the Contractor shall be compensated in accordance with the agreed to percentage of sales, 45% of Net Media Collections. The method of compensation may include: (i) a lump sum payment upon completion, (ii) payment in accordance with the percentage of completion of the services, (iii) payment for time and materials based upon the Contractor's rates as specified in the Schedule of Compensation, but not exceeding the Contract Sum or (iv) such other methods as may be specified in the Schedule of Compensation. Compensation may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expense, transportation expense approved by the Contract Officer in advance, and no other expenses and only if specified in the Schedule of Compensation. The Contract Sum shall include the attendance of Contractor at all project meetings reasonably deemed necessary by the client; Contractor shall not be entitled to any additional compensation for attending said meetings. Contractor hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Contractor anticipates, that Contractor shall not be entitled to additional compensation therefore, and the provisions of Section 1.8 shall not be applicable for such services.

2.6 Method of Payment. The monthly payment in accordance with Section 2.2 will be sent to the Tri-County Council Finance Office. The Tri-County Council Finance Office will determine the allocation of the revenue in accordance of the separate MOU between the Client for this contract.

3.0 PERFORMANCE SCHEDULE

3.1 Time of Essence. Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance. Contractor shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the RFP.

3.3 Force Majeure. The agreed to time period(s) for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes,

floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the client, if the Contractor shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. In no event shall Contractor be entitled to recover damages against the client for any delay in the performance of this Agreement, however caused, Contractor's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Term. Unless earlier terminated in accordance with Section 7.8 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not exceeding five (5) years from the date.

4.0 COORDINATION OF WORK

4.1 Representative of Contractor. The following principal(s) of Contractor are hereby designated as being the principal(s) and representative(s) of Contractor authorized to act in its behalf with respect to the work specified herein and make all decisions in connection therewith: Mark Sheely, 443-275-1770 ext 317 or msheely@vectormedia.com
Dylan Stedman, 443-275-1770 ext 329 or dstedman@vectormedia.com

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing principal(s) were a substantial inducement for the Client to enter into this Agreement. Therefore, the foregoing principal(s) shall be responsible during the term of this Agreement for directing all activities of Contractor and devoting sufficient time to personally supervise the services hereunder. For purposes of this Agreement, the foregoing principal(s) may not be replaced nor may their responsibilities be substantially reduced by Contractor without the express written approval of the Client.

4.2 Contract Officer. The Contract Officer shall be such person as may be designated by the Client. It shall be the Contractor's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the services and the Contractor shall refer any decisions that must be made by the client to the Contract Officer. Unless otherwise specified herein, any approval of Client required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority to sign all documents on behalf of the Client required hereunder to carry out the terms of this Agreement.

4.3 Prohibition Against Subcontracting or Assignment. The experience, knowledge, capability and reputation of Contractor, its principals and employees were a substantial inducement for the client to enter into this Agreement. Therefore, Contractor shall not contract with any other entity to perform in whole or in part the services required hereunder without the express written approval of the client. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of the client. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Contractor, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Contractor or any surety of Contractor of any liability hereunder without the express consent of the Client.

4.4 Independent Contractor. Neither the Client nor any of its employees shall have any control over the manner, mode or means by which Contractor, its agents or employees, perform the services required herein, except as otherwise set forth herein. The Client shall have no voice in the selection, discharge, supervision or control of Contractor's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. Contractor shall perform all services required herein as an independent contractor of the client and shall remain at all times as to the client a wholly independent contractor with only such obligations as are consistent with that role. Contractor shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of the client. The Client shall not in any way or for any purpose become or be deemed to be a partner of Contractor in its business or otherwise or a joint venture or a member of any joint enterprise with Contractor.

5.0 INSURANCE, INDEMNIFICATION AND BONDS

5.1 Insurance. The Contractor shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to the Client, during the entire term of this Agreement including any extension thereof, the policies of insurance as set forth in Attachment 1, attached hereto and incorporated by reference.

All of the above policies of insurance required in Attachment 1 shall be primary insurance. The insurer shall waive all rights of subrogation and contribution it may have against the client, its officers, employees and agents, and their respective insurers. In the event any of said policies of insurance are canceled, the Contractor shall, prior to the cancellation date, submit new evidence of insurance in conformance with this Section 5.1 to the Contract Officer. No work or services under this Agreement shall commence until the Contractor has provided the client with Certificates of Insurance, endorsements or appropriate insurance binders evidencing the above insurance coverage's and said Certificates of Insurance, endorsements, or binders are approved by the Client.

The Contractor agrees that the provisions of this Section 5.1 shall not be construed as limiting in any way the extent to which the Contractor may be held responsible for the payment of damages to any persons or property resulting from the Contractor's activities or the activities of any person or person for which the Contractor is otherwise responsible.

In the event the Contractor subcontracts any portion of the work in compliance with Section 4.3 of this Agreement the contract between the Contractor and such subcontractor shall require the subcontractor to maintain the same policies of insurance that the Contractor is required to maintain pursuant to this Section.

5.2 Indemnification. Contractor agrees to indemnify the client, its officers, agents and employees against, and will hold and save them and each of them harmless from, any and all actions, suits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities, (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the performance of the work, operations or activities of Contractor, its agents, employees, subcontractors, or invitees, provided for herein, or arising from the acts or omissions of Contractor hereunder, or arising from Contractor's performance of or failure to perform any term, provision, covenant or condition of this Agreement, but excluding such claims or liabilities arising from the sole negligence or willful misconduct of the Client, its officers, agents or employees, who are directly responsible to the County, and in connection therewith:

(a) Contractor will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) Contractor will promptly pay any judgment rendered against the client, its officers, agents or employees resulting from any of the above claims or liabilities subject to Contractor's indemnification obligation ; and

(c) In the event the client, its officers, agents or employees are made a party to any action or proceeding filed or prosecuted against Contractor arising from the above claims or liabilities subject to Contractor's indemnification obligation, Contractor shall pay to the Client, its officers, agents or employees, any and all costs and expenses incurred by the Client, its officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

5.3 Performance Bond. No performance bond is required at this time.

6.0 REPORTS AND RECORDS

6.1 Reports. Contractor shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement as the Contract Officer shall require. Contractor hereby acknowledges that the Client is greatly concerned about the cost of work and services to be performed pursuant to this Agreement. For this reason, Contractor agrees that if Contractor becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if Contractor is providing design services, the cost of the project being designed, Contractor shall promptly notify the Contract Officer of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if Contractor is providing design services, the estimated increased or decreased cost estimate for the project being designed.

6.2 Records. Contractor shall keep, and require subcontractors to keep, such books and records as shall be necessary to perform the services required by this Agreement and enable the Contract Officer to evaluate the performance of such services. The Contract Officer shall have full and free access to such books and records at all times during normal business hours of the Client, including the right to inspect, copy, audit and make records and transcripts from such records. Such records shall be maintained for a period of three (3) years following completion of the services hereunder, and the Client shall have access to such records in the event any audit is required.

6.3 Ownership of Documents. All drawings, specifications, reports, records, documents and other materials prepared by Contractor, its employees, subcontractors and agents in the performance of this Agreement shall be the property of the client and shall be delivered to Client upon request of the Contract Officer or upon the termination of this Agreement, and Contractor shall have no claim for further employment or additional compensation as a result of the exercise by the client of its full rights of ownership of the documents and materials hereunder. Contractor may retain copies of such documents for its' own use. Contractor shall have an unrestricted right to use the concepts embodied therein. All subcontractors shall provide for assignment to the client of any documents or materials prepared by them, and in the event Contractor fails to secure such assignment, Contractor shall indemnify the client for all damages resulting therefrom.

6.4 Release of Documents. The drawings, specifications, reports, records, documents and other materials prepared by Contractor in the performance of services under this Agreement shall not be released publicly without the prior written approval of the Contract Officer.

7.0 ENFORCEMENT OF AGREEMENT

7.1 Maryland Law. This Agreement shall be construed and interpreted both as to validity and to performance of the parties in accordance with the laws of the State of Maryland. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Circuit Court of Wicomico County, State of Maryland, or any other appropriate court in such county, and Contractor covenants and agrees to submit to the personal jurisdiction of such court in the event of such action.

7.2 Disputes. Pending resolution of a claim, the Contractor shall proceed diligently with the performance of the Contract in accordance with the Client's decision. Unless a lesser period is provided by applicable statute, regulation, or the Contract, the Contractor must file a written notice of claim with the Client within thirty (30) days after the basis for the claim is known or should have been known, whichever is earlier.

The only parties to any proceeding to determine a dispute shall be the Contractor and the owner, unless the Contractor and owner otherwise agree to allow additional parties.

Unless otherwise agreed, the Contractor shall carry on the work and maintain its progress during any dispute proceedings as if no dispute had occurred, and the owner shall continue to make payments to the Contractor in accordance with the contract documents for items not subject to the dispute.

Nothing herein shall limit the Client's right to terminate this Agreement without cause pursuant to Section 7.8.

7.3 Retention of Funds. Vector Media hereby authorizes the Client to deduct from any amount payable to Contractor (whether or not arising out of this Agreement) (i) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate the Client for any losses, costs, liabilities, or damages suffered by the Client, and (ii) all amounts for which the Client may be liable to third parties, by reason of Contractor's acts or omissions in performing or failing to perform Contractor's obligation under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by Contractor, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, the client may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of the Client to exercise such right to deduct or to withhold shall not, however, affect the obligations of the Contractor to insure, indemnify, and protect the client as elsewhere provided herein.

7.4 Waiver. No delay or omission in the exercise of any right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. A party's consent to or approval of any act by the other party requiring the party's consent or approval shall not be deemed to waive or render unnecessary the other party's consent to or approval of any subsequent act. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

7.5 Rights and Remedies are Cumulative. Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.6 Legal Action. Except with respect to disputes that are subject to Section 7.2 of this Agreement, either party may take such legal action, in law or in equity, to recover damages for any material default in a party's failure to perform this Agreement, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief in the event of a party's failure to perform this Agreement, or to obtain any other remedy consistent with the purposes of this Section.

7.7 Termination Prior to Expiration of Term. This Section shall govern any termination of this Agreement except as specifically provided in the following Section for termination for cause. The client reserves the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days' written notice to Contractor, except that where termination is due to the fault of the Contractor, the period of notice may be such shorter time as may be determined by the Contract Officer. Upon receipt of any notice of termination, Contractor shall immediately cease all services hereunder except such as may be specifically approved by the Contract Officer. The Contractor shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 7.3. In the event of termination without cause pursuant to this Section, the County need not provide the Contractor with the opportunity to cure pursuant to Section 7.3.

7.8 Termination for Default of Contractor. If termination is due to the failure of Vector Media to fulfill its obligations under this Agreement, the Client may take over the work and prosecute the same to completion by contract or otherwise, and the Contractor shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the client shall use reasonable efforts to mitigate such damages), and the client may withhold any payments to the Contractor for the purpose of set-off or partial payment of the amounts owed the client as previously stated.

7.9 Termination for Non-appropriation. If the Client or other funding source fails to appropriate funds or if funds are not otherwise made available for continued performance for any fiscal period or part thereof of this Agreement, this Agreement shall be cancelled automatically as of the beginning of the fiscal year or part thereof for which funds were not appropriated or otherwise made available; provided, however, that this will not affect either the Client's rights or the Contractor's rights under any termination clause in this Agreement. The effect of termination of the Agreement hereunder will be to discharge both the Contractor and the client from future performance of the Contract, but not from their rights and obligations existing at the time of termination. The Contractor shall be reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the price of the Agreement. The Client shall make a good faith effort to notify the Contractor as soon as it has knowledge that funds may not be available for the continuation of this Agreement for each succeeding fiscal period or part thereof beyond the first fiscal year.

8.0 CLIENT, COUNTY AND FEDERAL REQUIREMENTS

8.1 Non-liability of Officers and Employees. No officer or employee of the Client and their sponsoring county shall be personally liable to the Contractor, or any successor in interest, in the event of any default or breach by the Client or for any amount, which may become due to the Contractor or to its successor, or for breach of any obligation of the terms of this Agreement.

8.2 Conflict of Interest. No officer or employee of the client shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to the Agreement which effects his financial interest or the financial interest of any corporation, partnership or association in which he is, directly or indirectly, interested, in violation of any State statute or regulation. The Contractor warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

8.3 Covenant Against Discrimination. Contractor covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, or ancestry in the performance of this Agreement. Contractor shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry.

8.4 Federal Transit Administration Procurement Clauses. Vector Media must complete the required federal procurement clauses and comply with the requirements in these documents.

9.0 MISCELLANEOUS PROVISIONS

9.1 Notice. Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally sent by prepaid, first-class mail, sent by facsimile or sent by email as follows:

- (a) In the case of the Client, to:
TCC-Shore Transit
bbellacicco@tcclesmd.org
31901 Tri-County Way
Salisbury, MD 21804
Office phone: 410/341-8980
- (b) In the case of the Contractor, to:
Vector Media
msheely@vectormedia.com
1615 York Road, Suite 204
Lutherville, MD 21093

Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in seventy-two (72) hours from the time of mailing if mailed as provided in this Section.

9.2 Interpretation. The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

9.3 Integration; Amendment. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. This Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing.

9.4 Severability. In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

9.5 Corporate Authority. The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound.

IN WITNESS WHEREOF, the parties have executed and entered into this Agreement as of the date first written above.

ATTEST:

Tri-County Council for the Lower Eastern Shore
Shore Transit Division
31901 Tri-County Way
Salisbury, Maryland 21804

By: 

By: 

Gregory Padgham, Executive Director

ATTEST:

Queen Anne County/County Ride
312 Safety Drive
Centreville, MD 21617

By: 

By: 

Maynard Nash,

Check one: Individual Partnership ☒ Corporation

By: [Signature]
Signature of Authorized Representative
(notarized)

Name: CHAD SILVER

Title: COO

Address: 560 Lexington Ave
New York, NY 10022

State of New York
County of New York ss

On November 20, 2019 before me,

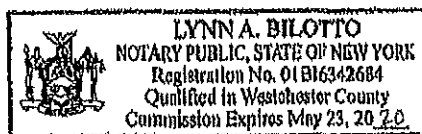
personally
appeared Chad Silver, COO
personally known to me (or proved to me on
the basis of satisfactory evidence) to be the
person(s) whose name(s) is/are subscribed to
the within instrument and acknowledged to
me that he/she/they executed the same in
his/her/their authorized capacity(ies), and
that by his/her/their signature(s) on the
instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed
the instrument.

WITNESS my hand and official seal.

Notary

Signature: [Signature]

Notary Seal:



GENERAL CONDITIONS

Shore Transit is the contracting agency on behalf of Shore Transit, a division of the Tri-County Council for the Lower Eastern Shore of Maryland and Queen Anne's County (QAC)/County Ride (referred to hereafter as the client).

All legal agreements will be executed between Vector Media and Shore Transit as the contracting agent for the coalition. Additional information or clarification of any of the instructions or information contained herein may be obtained from Shore Transit. All official correspondence in regard to the specifications shall be directed to and will be issued by Shore Transit.

1. DISPUTES:

Pending resolution of a claim, the Contractor shall proceed diligently with the performance of the Contract in accordance with the Client's decision. Unless a lesser period is provided by applicable statute, regulation, or the Contract, the Contractor must file a written notice of claim with the Client within thirty (30) days after the basis for the claim is known or should have been known, whichever is earlier.

2. GOVERNING LAW:

This Agreement shall be governed by and construed in accordance with the laws of the State of Maryland without regard to any choice of law principles that would dictate the laws of any other jurisdiction. The parties agree that the exclusive venue for any and all actions related hereto shall be the appropriate federal or state court located within the State of Maryland.

The laws of Maryland shall govern the resolution of any issue arising in connection with the contract, including, but not limited to, all questions on the validity of the contract, the capacity of the parties to enter therein, any modification or amendment thereto, and the rights and obligations of the parties hereunder.

Vector Media must be registered to do business in, and must be in good standing in, the State of Maryland.

3. COMPLIANCE WITH LAWS:

Vector Media hereby represents and warrants that it:

- Is qualified to do business in the State of Maryland and that it will take such action as, from time to time hereafter, may be necessary to remain so qualified.
- Is not in arrears with respect to the payment of any monies due and owing the region, or any agency thereof, including, but not limited to, the payment of taxes and employee benefits, and that it shall not become so in arrears during the term of the contract.
- Shall comply with all federal, state, and local laws, ordinances, and legally enforceable rules and regulations applicable to its activities and obligations under the contract and shall sign all applicable federally required clauses. (see attachment 11)
- Shall procure, at its expense, all licenses, permits, insurance, and governmental approvals, if any, necessary to the performance of its obligations under the contract.

- Agrees that the facts and matters set forth hereafter in the contract and made a part hereof are true and correct.

In addition to any other remedy available to the client, breach of any of the paragraphs of this clause shall, at the election of the client, be grounds for termination. Failure of the client to terminate the contract shall not be considered or construed as a waiver of such breach nor as a waiver of any rights or remedies granted or available to the client.

4. **AVAILABILITY OF FUNDS:** The contractual obligation of the Client and agencies thereof under this contract is contingent upon the availability of appropriated funds from which payment for this contract can be made.
5. **NON-ASSIGNMENT OF CONTRACT:** Vector Media shall not assign the contract, or any portion thereof, except upon the written approval of the attorney for the Client.

TRANSIT VEHICLE ADVERTISING

SPECIFICATIONS

1 PURPOSE:

- 1.1 Shore Transit and Queen Anne's County/County Ride has solicited proposals from qualified Marketing/Advertising firms to market, sell, produce, place and maintain advertising panels and wraps on buses of the Region's 60 plus transit vehicles. The successful firm will have the exclusive rights to the advertising space specified herein. The objective of this contract is to obtain effective marketing and advertising services that will produce the maximum revenue possible for the client.
- 1.2 Vector Media will act as the exclusive agent for the client for the sale of advertising on and in the Region's fixed route and shuttle buses and demand response specialized vehicles. Vector Media will be responsible for the sale, production, placement, maintenance and removal of display sign advertising in coordination with the clients. In return, the Contractor will pay the Client a percentage of its gross revenue generated from the sale of advertisements. Shore Transit operating on behalf of the Region reserves the right to reject any advertising that it determines to be controversial, offensive, objectionable or in poor taste.

2 BACKGROUND:

The following agencies comprise the region and provide public transportation services and vehicles for the purposes of this contract:

Shore Transit

Shore Transit, a division of the Tri-County Council for the Lower Eastern Shore of Maryland, is the public transit agency for the Maryland lower eastern shore counties of Somerset, Wicomico and Worcester. Shore Transit offers public transportation via fixed route and origin-to-destination services. The Shore Transit staff meets regularly with the Shore Transit Advisory Board to discuss issues relating to the efficient and effective operating of the transit agency. The Advisory Board is composed of representatives from public agencies, private businesses, education, and consumer advocates.

Shore Transit reported ridership in FY2019 of 312,443 passengers, moved over 1,987,012 miles.

Shore Transit operates fixed bus routes connecting major business, education and service centers in the region plus on demand transportation for special programs such as health department patients to medical appointments, senior citizens moved to support programs, veterans and others. Shore Transit operates a fleet of 43 buses. The business is supported by a staff of ninety. The service rolls out a peak of 35 buses a day Monday to Friday. Additionally, Shore Transit is the agent for Greyhound Bus Lines supporting their buses and passengers from the Shore Transit facility in Salisbury.

The Shore Transit schedule can be found online at:
<http://www.shoretransit.org/StopsSchedules/Schedules.aspx>

Queen Anne's County (QAC) / County Ride

Queen Anne's County (QAC)/ County Ride is the Locally Owned Transit System for Queen Anne's County. It is operated under QAC's Area Agency on Aging. County Ride offers two services, two Deviated-Fixed Routes and Demand Response (Curb to Curb) service for those unable to access public routes. Both services are open to the public, anyone can ride.

County Ride operates fifteen (15) buses and four (4) mini-vans. The major service area is in county but County Ride also operates outside of Queen Anne's County.

Route 1 offers service from Stevensville, MD to Easton, MD via the Route 50 Corridor and through the town of Easton. Almost, the entire route is spent on route 50 allowing exposure to the busiest road through QAC and Talbot Counties. Two buses will travel on this route for a total of approximately twelve (12) hours a day, beginning August 26, 2013, increasing the operating hours of this route from ten (10) to twelve (12) hours. Route 2 operates from Centreville, MD to Stevensville, MD. Two buses travel on this route with sixteen (16) hours of exposure on Route 50, Route 301, through the Queenstown outlets, and on Route 18 through Grasonville and Chester, MD in major business and shopping areas.

County Ride traveled 218,776 miles in FY2013 with 37% of those miles driven on our two Deviated-Fixed Routes. County Ride provides demand services to our three Senior Centers located in Grasonville, Kent Island, and Sudlersville, MD. Similarly, we take clients into Chestertown, MD daily, Easton and Annapolis three times a week.

County Ride will be requesting funds to begin a route from Centreville, MD to Annapolis, MD beginning in FY2015 (July, 2014). This route will offer service from Centreville, through Grasonville, Kent Island, and ending in downtown Annapolis and the Annapolis Mall. The majority of this service area will be on Route 50 from Centreville, MD to Annapolis, MD.

For more information, visit the County Ride website:
<http://www.qac.org/default.aspx?pageid=421&template=3&PageLevel=2&toplevel=34&cld=61>

3 CONTRACT PERIOD:

The contract period shall be for 60 months after approval and proper execution of the contract documents exercisable at the sole discretion of the client. The successful Contractor will be notified no later than sixty (60) days prior to the end of the contract term if the contract is to be renewed.

Vector Media shall provide the client a thorough and comprehensive advertising program, which will achieve the sale of advertising space on and in the Client's Transit buses.

No more than 20% of the advertisements posted in a month shall relate to alcoholic products. This amount shall be determined by Vector Media using the total number of hours advertisements are displayed in a month.

At the Client's request, up to 5% of all buses provided for under this contract may be without advertising of any kind. The Client, with Vector Media's recommendation, shall determine which buses will be free of paid advertising. These buses may be used to display Public Service Announcements (PSA's). Vector Media or the Client may prepare and install PSA advertisements for the client at no charge after coordination.

At least three (3) business days prior to the time of posting any advertising, a copy or reasonable facsimile thereof shall be furnished by Vector Media to the client. The Client shall have the right to require the contractor to refuse any advertisement, which the region deems in its best interest. Alternatively, if the copy or reasonable facsimile is not reviewed within this timeframe, the copy will be considered approved by the Client. However, the Client reserves the right to remove any offensive advertising at any time.

Vector Media shall be responsible for the content of material to be contracted for display on or in the buses. All advertisers shall be required to submit photocopies or mockups of their ads to Vector Media prior to posting. If it is deemed objectionable, Vector Media will change the copy material or graphics so that it is not objectionable.

Vector Media shall refuse potentially objectionable advertising of a compromise cannot be reached to render the advertising acceptable. Vector Media also has the right to have the following by-line added to any advertisement: "This is a paid advertisement."

Vector Media shall follow minimum standards in the approval of submitted advertising that will be displayed in the buses.

The advertising shall not be:

- Misleading or deceptive
- Sexually explicit, obscene, or harmful to minors
- Favorably depicting violence, illegal activity, and/or anti-social behavior
- Political advertisements will not be accepted

The Client shall be provided with a copy of all proposed advertisements for review and approval prior to contractor installation. Such review places no liability whatsoever on the Client for any grammatical, spelling or other errors that may be overlooked or produced on the advertisement. If such errors are discovered after installation of the advertisement, Vector Media shall correct the error at their sole expense.

The Client, in its sole discretion, will not guarantee Vector Media that specific advertisements will be displayed solely in designated areas of the service area. This means that advertisers may not be guaranteed that their advertising will be restricted to only certain, specific areas.

4 Operating Requirements:

- 4.1 Access to any and/or all client transit vehicles will be provided only at times consistent with vehicle operating needs for the client and its operator. Transit offices will be closed on holidays and weekends but transit services may operate on these days depending on the published schedule and published service advisories.
- 4.2 Availability of vehicles for ad placement must be coordinated with Client Transit Operations.
- 4.3 The Client will consider an adjustment in the contract for recognizing out of service vehicles that result and impact on advertising revenues.
- 4.4 The Client, working with its operator, will provide a reasonable work area free of charge to Vector Media for the handling and installation of advertising signs. Vector Media will be responsible for keeping the work area neat and clean.
- 4.5 The Client advocates the selling of space for illustrated or "wrapped" vehicles as part of the advertising program. In addition, Vector Media will provide proposed written guidelines to the client for any promotional usage of the illustrated/wrapped vehicles. Vector Media will present said guidelines, including term of sale, to prospective advertisers.
- 4.6 Vector Media must pay all expenses that affect the sale of the advertisements such as; designing, producing, delivering, installing, replacing, removing and restoration of the vehicle to its original condition. Vector Media will not permit the advertisement to remain on a bus beyond the term of the contract between the Advertiser and Vector Media, and therefore Vector Media will be required to remove any and all evidence of the expired advertisement within thirty (30) days of the date of expiration. If the removal of any advertisement, such as, but not limited to, vinyl adhesive applications, cause the surface of the vehicle to be defaced, paint to delaminate or other damages to occur to their vehicle that are not subsequently covered, Vector Media will perform such repairs or paint to restore the vehicle to its original condition.

5 Trade for Media Advertisers:

The client will agree, on a case by case basis, to accept trades of advertising space for print/electronic media time, provided that such a trade is approved in writing by the client prior to its taking effect.

6 Illustrated/Wrapped Buses:

A provision for the sale of illustrated/wrapped advertising on buses including methods of application, cost implications, maintenance costs to prepare and repaint vehicles and anticipated revenue generated. Any proposed advertising that will project into or cover any portions of windows shall receive prior approval from the Operating Agency. The Contractor must submit for Operating Agency approval a sample ad copy of any proposed bus wraps ten (10) days prior to applying the wrap to the bus.

7 Recordkeeping and Required Information:

Vector Media shall maintain records as required herein in a form satisfactory to the Client. The monthly report shall set forth revenues earned each month within fifteen (15) days after the end of the month. Monthly revenue information must include, but not be limited to, the following:

- List of advertising clients.
- Gross sales for the month.
- Contract expiration dates.
- Bus number where advertising signs are posted.
- Monthly reconciliation reports: The client reserves the right to audit Vector Media's books and other records in order to determine compliance with the Contract and all applicable standards and regulations.

8 Transition Requirements:

In order to insure an orderly transfer of current advertising clients, Vector Media will be obligated to accept current advertising agreements established by the Client for advertising in effect in November 2019.

In the event Vector Media is replaced by another contractor, whether at the end of the contract term or as a result of termination of the contract for cause or convenience of the client, Vector Media will be required to cooperate fully, to the satisfaction of the client, with the transition of the incoming Contractor.

9 Payments To The Client:

The client must receive payments by the 15th of the month for all advertising applied the previous month. Payments will be sent to:

Tri-County Council for the Lower Eastern Shore of Maryland
Finance Department
31901 Tri-County Way, Suite 201
Salisbury, Maryland 21804

Electronic transfers can be coordinated with Stacy Purnell at 410-341-8980 X2203.

Compensation Payment

Vector Media shall clearly report the 'Minimum Monthly Payment Guaranteed' to the client each month and also the 'Percentage of GROSS Sales' (Advertising Sales) to be paid with the monthly report. The amount to be paid to the client IS NOT a combination of the Minimum Payment Guaranteed and Percentage of GROSS Sales; it will always be the proposed percentage of gross advertising sales. The 'Minimum Payment Guaranteed' is intended to provide an incentive for Vector Media to execute their duties aggressively, and to ensure the client receives an assured minimum amount each month. The Client will be paid either the

'Minimum Monthly Payment Guaranteed' or the "Proposed Percentage of Gross Sales", whichever is higher.

BILLING AND PAYMENT: Invoices and payment for any services not covered by this agreement and agreed to in advance shall be submitted monthly by the 10th of the month for all services performed during the preceding month to:

Tri-County Council for the Lower Eastern Shore of Maryland
Finance Department
31901 Tri-County Way, Suite 201
Salisbury, Maryland 21804

Each invoice shall include the following information:

- Federal Employer Identification Number (FEIN)
- Contractor's name, address and Contract name and number (if any)
- Name of advertising clients
- Date and length of time of each ad placed
- Compensation percentage and amount

ATTACHMENT 1

Insurance

The Contractor shall purchase and maintain, during the entire term of the contract, including any renewals thereof, the following policies of insurance acceptable to Shore Transit:

Auto Liability Insurance with minimum limits of:

\$1,000,000 Combined Single Limit or
\$1,000,000 each Person;
\$1,000,000 each Accident and
\$1,000,000 property damage.

General Liability insurance with minimum limits of:

\$1,000,000 per occurrence;
\$2,000,000 General Aggregate;
\$2,000,000 Prod/CO Aggregate;
\$1,000,000 Personal/Advertising Injury;
\$ 50,000 Fire Damage Legal Liability and
\$ 5,000 Medical Expense.

General Liability insurance must cover:

Premises/Operations;
Products/Completed Operations;
Contractual Liability;
Independent Contractors;
Broad Form Property Damage and
Personal/Advertising Injury.

The General Liability insurance policy must include clients as Additional Insured and must include a Waiver of Subrogation. Do not use abbreviations or change these words in any way.

If General Liability policy has a Self-Insured Retention or Deductible greater than \$1,000 you will be required to submit audited financial statements for review.

Professional Liability/Errors & Omissions coverage with minimum limits of:

\$1,000,000 per Occurrence and
\$2,000,000 Aggregate.

Professional Liability must indicate if it provides Occurrence or Claims Made coverage.

If Professional Liability coverage is written on a Claims Made form, coverage must be maintained for a minimum of 3 years after completion of contract or "tail" coverage must be purchased.

If Professional Liability policy has a Self-Insured Retention or Deductible greater than \$25,000 you will be required to submit audited financial statements for review.

Workers' Compensation coverage with minimum statutory limits.

Out of state employers must show evidence of coverage in Maryland by listing Maryland as a covered state and not rely on "other states" coverage. On a Standard Workers' Compensation policy this is typically established in Section 3A of the Declarations Page. A copy of the Declarations Page showing evidence of coverage must be provided.

Workers' Compensation policy must include a Waiver of Subrogation in favor of Shore Transit of Salisbury, MD.

Employers Liability coverage with minimum limits of:

\$100,000 per Accident;
\$100,000 per Employee and
\$500,000 per Policy.

Employers Liability policy must include a Waiver of Subrogation in favor of Shore Transit of Salisbury, MD.

Certificates issued on the ACCORD 25 (with revision date prior to 05/2010) or any Certificate that includes the following phrases in the Cancellation wording must have these phrases struck from the Certificates:

"endeavor to" and
"but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives".

CERTIFICATE HOLDER must be:

Shore Transit
31901 Tri-County Way
Salisbury, MD 21804

Queen Anne's County/County Ride
312 Safety Drive
Centreville, MD 21617

If any primary policy's limits fall short of the requirements, be sure to include on the certificate any excess policies that would extend these limits.

All of the above insurance coverage's must be written by a carrier with a minimum A.M.

Best rating of A- or better AND a financial size classification of VI or higher. All policies of insurance shall be underwritten by companies licensed to do business in the State of Maryland and all certificates must include an authorized signature. Any deductibles or self-insured retentions should be noted on the certificate.

If applicable, the Contractor shall assure that all subcontractors performing services in accordance with this solicitation carry identical insurance coverage as required by the contract, either individually or as an Additional Insured on the policies of the Contractor. Exceptions may be made only with the approval of the client. Contractor shall indemnify the client for any uninsured losses relating to contractual services involving subcontractors, including workers' compensation claims.

The Contractor shall not commence work under the contract until evidence of all required coverage is received by the client. All certificates must include an authorized signature and provide for at least 30 days notice of cancellation. Further, the Contractor shall not reduce or cancel or change any of the required coverage's without thirty (30) days notice of such change to the client.

The Contractor will not hold the client liable for any injuries to the employees, servants, agents, subcontractors or assignees of the contract arising out of or during the course of services relating to this agreement.

The providing of any insurance required herein does not relieve the Contractor of any of the responsibilities or obligations assumed by the Contractor in the contract awarded or for which the Contractor may be liable by law or otherwise.

Failure to provide and continue in force such insurance as required above shall be deemed a material breach of the contract and shall operate as an immediate termination thereof.

(N/A) Revenue Generating contract

ATTACHMENT 2

MBE UTILIZATION AFFIDAVIT

Title: Transit Vehicle Advertising

Name of Contractor: _____

Please respond to the following questions:

Check One

Yes

No

1. Certified Minority Business Enterprise?

a. Certified by: State of Maryland?

b. Federal 8-A Registration?

c. Frederick County Local Government?

d. Other (please list) _____

Principle Owner's Minority Class (please check):

African American _____

Asian American _____

Hispanic American _____

Native American _____

Women _____

Other (please list) _____

2. If the response to Question 1 is no, have Minority Business Enterprises provided services, or supplied any items associated with your response to this Request for Proposals?

NOTE: If the response to Question 2 is yes, please include a list (see page MBEUA-2) of all MBE subcontractors, names and addresses, the nature of the services or supplies being furnished, percentage of the overall contract amount and complete the remainder of this form. If the response to Question 2 is no, please provide signature and title at bottom of form.

Total Proposal \$ _____

Total Minority Business Enterprise Bid/Proposal \$ _____

Percent of Total Minority Business Enterprise Contract \$ _____

Signature

Title



LOCALLY OPERATED TRANSIT SYSTEM (LOTS)

Program Manual



April 2017

Rev. 1 10.2017

Rev. 2 03.2018

Rev. 3 01.2019

Maryland Transit Administration
Office of Local Transit Support
6 St. Paul Street
Baltimore MD 21202



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1 INTRODUCTION

This chapter introduces the manual, its intended use and structure, the Maryland Transit Administration (MTA) funding programs for the Locally Operated Transit Systems (LOTS), and the requirements of the funding programs. This chapter is organized under the following major sections:

- ***Scope of this Manual***
- ***The Federal and State Funding Program Requirements***
- ***How to Use the Manual***
- ***The LOTS Funding Programs***
- ***Other MTA-Administered Funding Programs which the LOTS May Be Eligible to Receive***
- ***Related Maryland Transit Grant Guidance Documents***
- ***Compliance Monitoring***

SCOPE OF THIS MANUAL

This manual was developed to provide comprehensive guidance on Federal and State rules and regulations pertaining to Maryland's LOTS. Maryland's LOTS include systems that operate public transportation and receive funding under one or more of the following programs administered by the MTA's Office of Local Transit Support (OLTS):

- Federal Section 5307 – Urbanized Area Formula Program
- Federal Section 5311 – Formula Grants for Rural Areas
- Federal Section 5311(f) – Intercity Bus Program
- Federal Section 5303/5304 – Planning and Technical Assistance Funds
- Federal Section 5339 – Bus and Bus Facilities Formula Program
- State Large Urban Program
- State Transit Operating and Capital Matching Funds
- State Americans with Disabilities Act (ADA) Funding Program
- Statewide Special Transportation Assistance Program (SSTAP)

Each of these programs is described later in this chapter, and the manual addresses the requirements for these programs.

THE FEDERAL AND STATE FUNDING PROGRAM REQUIREMENTS

If your system is receiving funds from any of the LOTS programs, you have agreed to comply with a host of Federal and State regulations and requirements. MTA is responsible for ensuring that your system complies with the Federal and State requirements. The assurances and certifications that you sign with your annual grant application and grant agreement confirm your commitment to meeting these requirements. Appendix A describes what each certification and assurance means.

These requirements are not always easy to understand. Further, it is not always obvious what you need to do to comply with them. The manual was developed to provide comprehensive overall guidance on the full complement of Federal and State requirements that pertain to public transit services. Each chapter ends with specific guidance on what Federal and State program requirements each LOTS will be required to meet.

Many excellent resources have already been developed for transit managers on many of the Federal requirements, and it is not the intent of this manual to duplicate these resources. For topics where existing resources provide thorough guidance, reference is made to the existing resource(s) and only summary information is provided in this manual. A Web address and/or contact information to find each additional resource cited is provided at the end of each chapter.

While the LOTS are responsible for following the requirements in this manual, it is important to note that you are responsible for complying with all Federal requirements that pertain to your funding programs, not only those that are detailed in this manual. **Finally, if you contract for services, your contractors are subject to certain requirements, and you are responsible for ensuring their compliance with these requirements.**

Federal requirements with which the LOTS must comply are summarized along with their corresponding chapters and are listed in Table 1-1. Note that these categories of requirements are based on categories that the FTA uses for oversight of its grantees.

Table 1-1: FTA REQUIREMENTS AND WHERE THEY ARE ADDRESSED IN THE MANUAL

FTA Oversight Review Area	Relevant LOTS Manual Section(s)
Americans with Disabilities Act (ADA)	Chapters 12, 13
Asset Management	Chapters 2, 7, 10
Buy America	Chapter 4
Charter Bus	Chapters 2, 9
Debarment and Suspension	Chapter 4
Disadvantaged Business Enterprise	Chapters 4, 13
Drug-Free Workplace/Drug and Alcohol Testing	Chapter 8
Equal Employment Opportunity	Chapters 8, 13
Financial Capacity	Chapter 3
Half-Fare	Chapter 5
ITS Architecture	Chapter 2
Legal Capacity	Chapter 1
Lobbying	Chapter 1
Maintenance	Chapters 7, 10
National Transit Database Reporting	Chapter 3
Planning/Program of Projects	Chapter 2
Procurement	Chapter 4
Public Comment on Fare and Service Changes	Chapters 2, 5, 14
Safety	Chapters 7, 8, 9, 10, 11, 13
Security	Chapter 11
Satisfactory Continuing Control	Chapters 4, 7, 9, 10, 11
School Bus	Chapters 2, 9
Technical Capacity	Entire manual, especially Chapters 2, 3, 4, 9, 10
Title VI	Chapters 2, 13, 14

HOW TO USE THIS MANUAL

If you are an experienced LOTS manager, this manual is intended to serve as a reference as questions arise. If you are new to public transportation management in Maryland, you should read each chapter to obtain a comprehensive overview of the functions of a rural or small urban public transportation organization. If you contract for services, many of the State and Federal requirements apply to your subcontractors, and you are responsible for ensuring their compliance with the requirements, so you may wish to share a copy of this manual with them as well.

While this manual explains the requirements, it is not intended to provide a complete explanation of how to meet all the requirements. Many excellent resources have been

developed to assist rural and small urban transportation managers in managing systems to meet Federal requirements. Many of these resources are cited throughout the manual.

While the LOTS are responsible for following the requirements outlined in this manual, it is important to note that you are responsible for complying with all Federal requirements that pertain to your funding programs, not only those which are detailed in this manual. It is also important to note that the Federal and State requirements change frequently. You will be informed of these changes as they occur, and you will be required to change your existing policies and procedures to meet the new and/or revised Federal and State requirements.

The manual is organized by function rather than by program, and includes the following functions:

- Planning and Applying for LOTS Grants (Chapter 2)
- Financial Management (Chapter 3)
- Procurement and Contracting (Chapter 4)
- Fares and Fare Changes (Chapter 5)
- Marketing and Community Relations (Chapter 6)
- Facilities Development (Chapter 7)
- Human Resources (Chapter 8)
- Operations Management (Chapter 9)
- Vehicle Management and Maintenance (Chapter 10)
- Safety, Security, and Risk Management (Chapter 11)
- ADA Compliance (Chapter 12)
- Non-discrimination (Chapter 13)
- Public Outreach (Chapter 14)
- Intercity Bus Program Requirements (Chapter 15)

Many of these functions have close relationships to each other. In cases where an item could be considered to belong to more than one function (for example, driver training is a key element of human resources, operations management, risk management, and safety), we have discussed that item in depth under one function, and made reference to that chapter in the other appropriate functions.

Requirements that are limited to subrecipients of a specific grant are noted as such; however, the bulk of the manual is intended to apply to all LOTS. Recordkeeping and reporting requirements are addressed under each functional area.

Forms, templates, and checklists referenced in each chapter are attached at the end of that chapter, with additional information provided in a series of LOTS Manual appendices.

If you have any questions on any LOTS requirements, and the answer cannot be found in this manual or in the additional resources referenced in each chapter, contact your MTA Regional Planner. MTA contact information is provided in Appendix B.

Another helpful resource to have on hand is the list of transit-related acronyms at the beginning of the glossary provided in Appendix C.

THE LOTS FUNDING PROGRAMS

The transportation grant programs administered by the MTA offer operating, capital and technical assistance for the LOTS as well as other eligible recipients. These programs, supporting both public transit and specialized transportation services, utilize a combination of Federal and State funds and generally require a match from the local community. Most of the LOTS systems are funded through a variety of Federal and State programs. Some combine all their funds to create an overall transit budget. Others attempt to create separate services funded under the different programs (requiring internal cost allocations).

Table 1-2 summarizes the LOTS funding programs.

Table 1-2: MARYLAND LOTS GRANT PROGRAMS as of FY 2018

Program	Type of Assistance	Eligible Applicants
Federal Section 5307 – Urbanized Area Formula Program	Capital and Operating	LOTS operating in small urban areas as defined by the FTA (population 50,000-200,000) - counties, municipalities, and public agencies
Federal Section 5311 – Formula Grants for Rural Areas	Capital and Operating	LOTS operating in rural areas as defined by the FTA (population under 50,000) - counties, municipalities, and public agencies, as well as non-profits, public corporations, boards, and commissions established under State law
Federal Section 5311(f) – Intercity Bus Program (ICB)	Capital and Operating	private intercity bus providers, private non-profit agencies, local public transit providers, and public bodies
Federal Section 5303/5304 – Planning and Technical Assistance Funds	Planning	jurisdictions currently operating or anticipating initiating public transportation service
Federal Section 5339 – Bus and Bus Facilities Formula Program	Capital	LOTS that operate fixed route services - counties, municipalities, and public agencies
State Large Urban Program	Capital and Operating	City of Annapolis, Anne Arundel County, Cecil County, Howard County, Montgomery County, Prince George's County, Queen Anne's County
State Transit Operating and Capital Matching Funds	Per Federal program	Per Federal program

Program	Type of Assistance	Eligible Applicants
State Americans with Disabilities Act (ADA) Program	Operating	LOTS that operate ADA complementary paratransit (one applicant per county)
Statewide Special Transportation Assistance Program (SSTAP)	Capital and Operating	Each County and City of Baltimore (may be a Transportation or an Aging program)

Public Transportation Programs (PTP)

- **Section 5303/5304 Planning Assistance** – This program provides Federal and State funding for technical assistance projects. Each LOTS is eligible for Transportation Development Plan (TDP) funding under this program on a five-year cycle. A minimum ten percent local match is typically required.
- **Section 5307 Capital and Operating Assistance** – Federal (and State matching when State finances allow) funding for small urban areas of the State (areas with population 50,000 to 200,000). Funds can be used to subsidize operating, capital, or administrative costs. For operating and administrative expenses, the FTA will fund up to 50 percent with the other 50 percent being funded locally (sometimes with State support). For capital expenses, the FTA will fund up to 80 percent, with a minimum 20 percent State and local match required.

These funds are allocated by the FTA to the small urban areas. The allocations are published annually in the *Federal Register*. The State provides some of the non-Federal share and MTA staff are responsible for the administration of these grant funds. The systems apply annually for funds to be used for operating or capital. Many of these systems also receive Section 5311 funds for the rural portions of their service area.

- **Section 5311 Capital and Operating Assistance** – Federal (and State matching when State finances allow) funding for Rural Public Transportation (in areas less than 50,000 population). Funds can be used for operating, capital, or administrative costs. Local match is a minimum of 25 percent of net operating expenses and minimum ten percent for capital expenses. The State allocates Section 5311 funds to eligible jurisdictions through the annual application process.
- **Section 5339 Capital Assistance** – This program provides Federal (and State matching, if available) capital assistance for public transit projects. This program funds most larger capital projects, such as facilities design and construction, as well as many vehicle purchases. A minimum ten percent local match is required.

- **Large Urban Capital and Operating Assistance** – State funds for operating and capital assistance in large urban areas. In FY 2018, eligibility for these funds is limited to the City of Annapolis, Anne Arundel County, Cecil County, Howard County, Montgomery County, Prince George's County, and Queen Anne's County.

Section 5311(f) Intercity Bus Program

- This program is different from other LOTS programs in that it is applied for through a separate application process, applicants can include private for-profit intercity bus program operators, and the service emphasis for this program is very specific and focused on intercity connectivity rather than local mobility. Historically, the program emphasis consists of the following:
 - Operating assistance for routes that connect rural areas to the regional or national system of intercity bus service;
 - Operating assistance for existing intercity bus routes at risk of being discontinued;
 - Operating assistance for new intercity bus routes, particularly if applicant can demonstrate high need for intercity bus service;
 - Capital assistance for the purchase of replacement or expansion vehicles for use on Section 5311(f) funded rural intercity services;
 - Capital assistance for the improvement of intermodal and public facilities and shelters, vehicle accessibility retrofits, or other advanced technology that directly support the intercity bus services;
 - Marketing.

Intercity Bus grantees are subject to most, but not all, FTA requirements for other Section 5311 program subrecipients. The program requirements for Section 5311(f) are summarized in Chapter 15 of this manual.

LOTS Specialized Transportation Programs

- **Americans with Disabilities Act Funding** – Public transit systems that operate fixed routes are eligible to apply for State ADA funding, as these are the only systems required by law to provide complementary paratransit service to individuals with disabilities (see Chapter 12 for a description of ADA requirements). The State ADA funding program requires a minimum ten percent local match and can only be used for operating expenses. It is important to recognize that revisions to fixed-route service affect complementary paratransit requirements, and may affect a local system's eligibility to receive State ADA funding. In some cases, this funding has been used to leverage additional 5307 grant funds.
- **Statewide Special Transportation Assistance Program** – SSTAP is a State-funded program to provide general purpose transportation to elderly individuals

and individuals with disabilities. These funds are annually apportioned to the counties and Baltimore City based on a formula (60 percent equally among the jurisdictions and 40 percent based on combined population of elderly individuals and individuals with disabilities). Funds can be used for operating and capital with a local share required – minimum 25 percent for the net operating deficit and five percent for capital projects. Each County and the City of Baltimore is eligible to apply for the SSTAP funds.

RELATED MARYLAND TRANSIT GRANT GUIDANCE DOCUMENTS

MTA publishes other plans, manuals, and guidance materials with which the LOTS should be familiar and refer to in addition to the LOTS Manual. These include:

Annual Transportation Plan (ATP)

The annual grant applications for the public transportation programs (PTP) and SSTAP are consolidated into a single application in Maryland, called the ATP. LOTS are responsible for reviewing the application instructions and program requirements contained within each year's updated ATP package. The completed application forms, certifications and assurances become part of the grant agreement with MTA.

Maryland Intercity Bus Program, Federal Transit Administration, 49 U.S.C. 5311(f), Program Overview and Application Package

MTA solicits applications for the Section 5311(f) Intercity Bus Program on a biennial basis.

Maryland State Management Plan for Section 5311

MTA details the State's Section 5311 program management policies and describes the State's compliance with FTA requirements through the *State Management Plan*. This document is updated periodically.

Maryland State Management Plan for Section 5339

MTA details the State's Section 5339 program management policies and describes the State's compliance with FTA requirements through the *State Management Plan*. This document is updated periodically.

COMPLIANCE MONITORING

Annual Transportation Plan

The annual grant applications for the PTP and SSTAP are consolidated into a single application in Maryland, called the ATP. In completing and submitting the ATP, the

1 INTRODUCTION

LOTS provide MTA with important documentation used in oversight of compliance with Federal and State requirements, including:

- authorizing resolution,
- annual certifications and assurances,
- Title VI and EEO plan status,
- asset inventory and replacement plan,
- vehicle utilization chart,
- IT infrastructure submittal requirements for funding for technology projects,
- safety/security minimum spending requirements,
- designation of EEO, DBE and Title VI contacts, and
- other documents to address new or emphasized FTA requirements.

Triennial Reviews (for Section 5307 Recipients Only)

A Federally-required compliance review, called the Triennial Review, is conducted by the MTA or the MTA's consultant on all Section 5307 recipients every three years. As part of this review, the LOTS must provide documentation of compliance with all FTA requirements, and may be asked to provide supplemental information.

LOTS Compliance Reviews

LOTS compliance reviews are conducted by the MTA or the MTA's consultant on all Section 5311 and Section 5339 recipients. Like the Section 5307 Triennial Reviews, LOTS reviews ensure that local grantees are following the Federal and State rules and are conducted every three years.

Other Compliance Reviews

Periodic reviews of compliance with FTA Drug and Alcohol testing program requirements, maintenance programs, Title VI, EEO, and other FTA requirements are conducted for the LOTS by the MTA or the MTA's consultant. These reviews are an opportunity to receive technical assistance in how to meet Federal and State requirements.

Other Compliance Activities

- **MTA Site Visits** – MTA staff conduct periodic site visits of all LOTS, and may perform spot-checks of compliance with Federal and State requirements. It is MTA's intention to do site visits quarterly as outlined in the *State Management Plan*.
- **"Mystery Rider" Reviews** – MTA staff periodically and randomly conduct ride checks on LOTS public transit services. The purpose of "mystery rider" ride checks is to review a grantee's adherence to ADA requirements and recommended "best practice" operating procedures.

- **Drug and Alcohol Annual and Quarterly Reporting** – LOTS are required to submit Drug and Alcohol testing reports, both quarterly to the MTA and annually directly to the FTA.
- **2 CFR Part 200 Audits** – LOTS are required to submit annual copies of their 2 CFR Part 200-compliant audit for MTA and FTA review (formerly known as the A-122 or A-133 audit) (more on this subject in Chapter 3).
- **Payment Requests and Concurrence Letters** – The MTA uses the material submitted by the LOTS as part of the payment request and concurrence to purchase processes to monitor compliance with FTA Buy America and procurement requirements (detailed in Chapter 4 of this manual), among others.

Monitoring Subrecipients, Third-Party Contractors, and/or Lessees

LOTS are responsible for ensuring compliance with FTA and MTA requirements by other entities that play a role in LOTS programs. These entities can include other governmental agencies, consultants, contractors, subcontractors, and lessees working under approved third-party contracts or interagency agreements. The LOTS must have staff with knowledge of FTA and MTA requirements, and mechanisms in place for monitoring, such as a letter of agreement, contract, or lease supplemented by periodic meetings, inspections, or required reports.

For example, if the grantee leases FTA funded vehicles to a contract operator, the grantee must inspect the vehicles and the vehicle records periodically to ensure compliance with maintenance, charter, and school bus requirements. The grantee should have procedures to monitor that all FTA funded property is used in transit service. Transit service must be provided in compliance with ADA regulations. Procedures should be in place to collect data required for State and Federal reports and provide for drug and alcohol testing, if required.

Legal Capacity

Your organization must be eligible and authorized under State and local laws to request, receive, and dispense FTA funds and administer FTA-funded projects. Your organization's Authorizing Resolution must identify the individuals authorized to act on its behalf. To meet this requirement, an authorized person should have signed the Annual Certifications and Assurances and you should have attached an Opinion of Counsel (signed by your attorney) affirming your legal authority. The annual assurances must also include an updated authorizing resolution.

In addition, you are required to certify that your agency does not use Federal funds to lobby and, if using non-Federal funds to lobby, has filled out the proper disclosure forms (Standard Form LLL). The Lobbying certification for your organization is required as part of the annual assurances. Note that you must also obtain this certification for any third-party contract over \$100,000.

2 **PLANNING AND APPLYING FOR LOTS GRANTS**

Transit planning required of the LOTS systems includes a 5-year Transportation Development Plan (TDP), ongoing participation in local and regional transportation planning, planning in preparation for each annual grant application, and planning for specific service changes. This chapter discusses the planning requirements of the LOTS programs, including:

- ***Ongoing and Long-Term Planning,***
- ***Annual Planning and Application Requirements,***
- ***Asset Management Planning,***
- ***Planning for Specific Service Changes,***
- ***Amending a Grant Agreement, and***
- ***Planning Requirements for ITS Projects.***

Note: This chapter references civil rights and public notice requirements that are detailed in Chapters 13 and 14, respectively, so you may wish to have these chapters on hand as you review this chapter.

Warning: Many acronyms are introduced in this chapter! For your reference, there is a list of transit-related acronyms at the beginning of the glossary attached as Appendix C.

ONGOING AND LONG-TERM PLANNING

Transportation Development Plans (TDPs)

Each LOTS in Maryland must have a TDP that is updated every five years. This is a local plan that must be endorsed (i.e., approved or adopted) by local elected officials. Proof of the local officials' endorsement must be submitted to MTA at the conclusion of the development of each update.

Generally, the MTA initiates the TDP update process and contracts with a consulting firm to develop these plans; the local subrecipient provides a ten percent local match. Federal technical assistance funds the remaining 90 percent of the project cost. The consulting firm works with the local system, the local planning department, the local transportation advisory committee, and MTA to ensure that the plan is coordinated with other local and State plans and is feasible given the MTA-administered funding for which the LOTS is eligible.

The TDP should identify the public and specialized transportation needs of the service area, analyze the performance of currently operated transit services, explore alternatives for improving services, and recommend an implementation plan that includes a five-year budget and capital replacement plan. The MTA bases its program budgeting and grant application evaluation in large part on the recommendations of each LOTS' TDP. For example, all capital requests and increases in operating funds must be justified through the TDP or other planning process. Therefore, it is essential that local TDPs are updated every five years and that they reflect the projected needs, growth, and resources of the community on a five-year horizon. The TDP budget is also needed to meet FTA's requirement to have a multi-year financial plan.

Eligibility for technical assistance funds to cover the cost of preparing the TDP is on a five-year cycle for each LOTS; allocations for planning funds for eligible LOTS are announced in each year's grant application package. The LOTS must apply for these funds as part of the Annual Transportation Plan (ATP), described later in this chapter.

Local Coordinated Human Service Transportation Planning

FTA's Section 5310 - Enhanced Mobility of Seniors and Individuals with Disabilities Program requires that projects be derived from a locally developed, public transit-human services transportation plan. FTA expects public transit systems funded under both the Section 5307 and Section 5311 programs to participate in the local planning process for coordinated public transit-human service transportation in those areas applying for funds under Section 5310.

Each of the five MTA regions has developed and continues to update coordinated public transit-human service transportation plans that 1) identify the transportation needs of individuals with disabilities, older adults, and individuals with low incomes, 2) provide strategies for meeting those local needs, and 3) identify potential projects that correspond to each strategy. These plans were most recently updated in 2015. The LOTS actively participated in the updates, and Section 5307 and 5311 subrecipients should continue to participate in the coordinated planning process when future updates are undertaken.

In some areas, LOTS that receive Section 5307 or Section 5311 funding may also be providers of human service transportation services and may be eligible for funding under Section 5310. There are opportunities for all LOTS to support coordinated human service transportation, such as coordinated maintenance, dispatching, training, contracting for operations, or transporting human service customers under special fare arrangements.

Ongoing Participation in Local and Regional Transportation Planning

All LOTS systems should be at the table when local and regional transportation plans are developed to ensure that local transit is included among an area's planned projects. The LOTS should keep their city and county transportation planners and Councils of Governments informed of transit issues, plans, and funding needs.

Metropolitan Transportation Planning

The LOTS that are within a metropolitan area must have an agreement in place with the Metropolitan Planning Organization (MPO) that defines how each party participates in the metropolitan planning process. This agreement should be up-to-date with the most recent Federal transportation funding authorizing act. MPOs in Federally-designated Transportation Management Areas (large urbanized areas with populations over 200,000) are required to include transit officials on their policy board.

County Master Plans

LOTS are encouraged to seek opportunities to provide input during the development and review of county master plans or comprehensive plans.

The Maryland Economic Growth, Resource Protection, and Planning Act of 1992 was enacted to organize and direct comprehensive planning, regulating, and funding by county and municipal governments in advance of a specific economic growth and resource protection policy. Comprehensive plans develop and promote policies supporting sustainable communities, neighborhood conservation, land preservation, natural resource protection, growth development, and transportation systems. As a result, they need to give particular thought to neighboring local jurisdictions and other levels of government (State and Federal). The intent is that plans that are developed with input from local and State agencies can create supportive linkages between local land use policy and State programs for technical assistance, funding, and regulatory permits.

LOTS should play an active role in the development and review of county master plans to ensure transit inclusion within the transportation systems section. Comprehensive plans must provide integration between land use planning and transportation planning. Comprehensive plans should strive for land use patterns that can be efficiently served by alternative transportation modes. Plans need to be developed with full consideration of their impacts on the transportation system. The transportation systems need to be planned by considering how they change market dynamics for land development in a community.

The transportation objective of most plans stipulates the safe and efficient movement of people, with particular attention to pedestrian travel and other alternatives to the automobile. Specifically, LOTS need to address the following basic tenets:

- ***Is transit addressed within the plan?*** (At a minimum, the plan should address the notion that transit is an important public service, even if it is not applicable to the proposed plan – for example, a new/modified area is situated outside of the current transit service area).
- ***Is the transit section compatible with the most recent TDP?***

- ***Does the plan address both local (county/town) and regional opportunities?***

The Maryland Department of Planning (MDP) is the lead agency for the State concerning the review of local comprehensive plans. The MDP provides assistance to local governments in updating planning and zoning codes, evaluates land-use policies, creates urban design solutions, assesses development potential and environmental constraints, and assists in the implementation of sound planning policies.

To ensure that plans are consistent with public policy, the MDP circulates the plans to the appropriate departments within the State. The Maryland Department of Transportation (MDOT) is the lead agency concerning the transportation component of all comprehensive plans. Subsequently, plans are forwarded to the MTA via the appropriate Regional Planner within the Office of Local Transit Support (OLTS) to review the transit section.

Advisory Committee

Although not required for LOTS funding, the MTA strongly recommends that each LOTS have an ongoing advisory committee to serve in an advisory capacity for planning service and policy changes. An advisory committee is required during the preparation of your TDP. This committee should include representatives of human service agencies, municipal and county government, private transportation providers, the business community, current customers, and the community at large, including individuals with disabilities. The committee membership also should be representative of the diversity in your community, including minorities and low-income members. The committee can play an important role in fostering coordination among specialized transportation providers (very important in MTA's discretionary funding criteria) and can assist the LOTS system by playing an advocacy role in the community. Meetings should be open to the public and minutes should be taken of all committee meetings.

ANNUAL PLANNING AND APPLICATION REQUIREMENTS

This section of the chapter addresses development of the ATPs, and their inclusion in regional and State planning programs.

Inclusion in the Transportation Improvement Program (TIP)

Where local projects exist or are being proposed within the MPO's current planning/study area boundaries (which may include areas that are currently non-urbanized, but are expected to become urbanized within the next 20 years), the local projects must be included in the MPO's TIP. Local transit systems need to be involved in the annual development of the TIP and need to plan for several years in advance, as the TIP has a six-year planning horizon, and because amending the TIP involves a formal process. The MTA takes care of submitting a Program of Projects (POP) for TIPs, incorporating LOTS projects applied for in the local ATP.

Inclusion in the Statewide Transportation Improvement Program (STIP)

In addition to its annual POPs, the State must also submit a three-year STIP for Federal transportation funds. LOTS can assist the MTA in planning for adequate funding for local transit by realistically projecting capital replacement needs for the next five years in each ATP, as well as updating your system's TDP every five years with a feasible and well-developed capital and operations plan.

Annual Transportation Plan (ATP)

The annual grant applications for SSTAP and the Public Transportation Program (PTP) grants are consolidated into a single application in Maryland. (Note that Section 5311(f) Intercity Bus funding is applied for through a separate application process, which is described in Chapter 15.) This application is called the ATP, and provides each LOTS with a local POP. In order to receive State funding from the MTA, as well as FTA funding administered by the MTA, each local subrecipient must submit a completed ATP to the MTA by the application deadline.

The Application Process

The application packages are usually available in late autumn and due a few months later. The ATP is due in two installments, with certain components due earlier than the rest of the package, to provide MTA with information it needs to develop its grant application to the FTA. (The MTA uses the information in your ATP to develop its own POP for Federal and State funds.) Once each LOTS ATP is approved by the MTA, MTA forwards local requests for funding to the FTA for approval, which is why there is a delay between MTA approval and execution of subrecipient grant agreements. SSTAP and ADA grants are not contingent upon FTA approval because these programs are State-funded.

In developing your ATP, it is important to keep in mind that:

1. The ATP must be submitted to the MTA, via MTA's electronic ProjectWise system, by the application deadline to ensure inclusion of requested projects in the TIP and STIP developed by the MTA, so that the MTA in turn can apply for Federal funds. Failure to submit a complete ATP by this date is likely to jeopardize Federal funding for your agency.
2. Public and private sector notice must be made at least 30 days prior to local board approval of the ATP. Thus, the agency's POP, budget, and financing information must be developed in time to include this information in the published notice.
3. If you are applying for SSTAP funds, you must submit the SSTAP portion of your ATP to your local Area Agency on Aging for approval and notify the municipalities in your county at least 30 days before submitting your ATP to local elected officials for approval. (Notification to the municipalities should ideally be completed earlier, since you will need to address their needs early in the planning process.)

4. Requests for additional operating funding and/or vehicles should be consistent with the system's current five-year TDP, or adequate justification must be presented in the ATP.

Preparation of this document requires a number of tasks, including development of:

- Service Performance Summary for all services in your transportation system,
- Vehicle inventory, asset management plan, and utilization plan for all fleet vehicles,
- Inventory and asset management plan for facilities, equipment, and other fixed assets,
- Operating budgets for each grant source,
- Capital project plans projecting five-year needs for vehicles and equipment, as well as design, engineering, and construction costs for facilities projects,
- Descriptive information and documentation on your program and proposed projects, addressing topics that include project coordination, justification for each capital project, documentation of your training program, etc.,
- Opportunity for a public hearing with public notice with at least a three-week window in which to request a hearing, published at least 30 days in advance of submitting the ATP for local approval (more information is detailed below as well as in Chapter 14),
- Private enterprise involvement description with a 30-day notice provided in advance of local plan approval, and
- Certifications and assurances. Appendix A provides a brief description of what these mean.

An original and copies (the exact number specified in the application instructions) of the completed application must be submitted.

Coordination

The subrecipient is required by the FTA to ensure that the POP (as requested in the ATP) provides for coordination of Federally assisted public transportation services with transportation services supported by other Federal sources. An assurance of compliance with this requirement is included in the Annual List of Certifications and Assurances, and a description of local coordination efforts is an important element of the ATP.

For Section 5307 grantees, the POP must be developed in consultation with interested parties, including private transportation providers and human services organizations or transit operators representing the employment-related transportation needs of welfare recipients and low-income individuals.

As noted earlier in this chapter, the Section 5310 program requires that projects must be derived from a locally developed, public transit-human services

transportation plan. Public transit systems funded under both the Section 5307 and Section 5311 programs are expected to participate in the local planning process for coordinated public transit-human service transportation.

Coordination may occur at many levels, from simple information sharing to total consolidation of services. The MTA actively works toward transportation coordination at the local, regional, and State levels, and chairs the State Coordinating Committee for Human Services Transportation. Technical assistance is available from your MTA Regional Planner, and, during the TDP development process, from the MTA's consultant.

Private Enterprise Involvement

Private sector notification is required as part of developing the ATP. The FTA requires subrecipients to develop the POP in consultation with interested parties, including private transportation providers. Private providers should be involved throughout the development of the ATP. At a minimum, private operators must be notified in writing of the proposed ATP, postmarked at least 30 days before the plan is submitted to local elected officials for their approval, and any comments received from private operators must be addressed by the LOTS in the ATP. Each LOTS should also include private transportation provider representation on their advisory committee.

Municipality Notification

SSTAP applicants must provide written notification to each municipality in the county of the availability of SSTAP funds, and consider the needs of these municipalities in the planning for the use of these funds. A municipality is a political unit, such as a city, town, or village, incorporated for local self-government. At a minimum, this notification must be made 30 days in advance of submitting the application. However, the needs of the municipalities should be addressed early in the planning process, and LOTS are encouraged to involve municipalities on their local advisory committees.

Data Universal Numbering System (DUNS)

One of the pieces of information that must be provided as part of the ATP (and required for all grantees by FTA) is a DUNS number. This is a nine-digit number that is established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. If you are not sure if you have a DUNS number, you can find out by calling D&B at 800-700-2733. If you do not have a DUNS number you may obtain one from D&B by telephone (currently at 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

Registration with the System for Awards Management (SAM)

All LOTS must be registered with the System for Award Management (SAM), and must include the SAM-issued “Cage Code” as part of the applicant’s contact information required in the ATP.

Public Notice for the POP

Each jurisdiction that requests operating and capital assistance from MTA must hold a public hearing or have an opportunity for a public hearing (which must be conducted if requested) about their ATP/POP. The purpose of this requirement is to provide citizens a forum to present their views on the projects proposed.

The two alternative approaches are outlined in Table 2-1, and detailed in the narrative that follows as well as in the four-page checklist attached at the end of this chapter (Attachment 2.A). Before beginning this process, you must prepare the proposed POP and budget so that it is available for public review at the onset of the public comment period. If the proposed POP changes substantially as a result of the public input process, you must also inform the public and publish the final POP.

Table 2-1: Timeline of Public Notice for ATP/POP

Timeline (minimum)	Public Hearing (simplest approach)	Opportunity for a Public Hearing (alternative approach)
At least 30 days prior to the public hearing	Publish notice as described below. Include date of the scheduled hearing.	Publish notice as described below. Include proposed date of the hearing and instructions for requesting a hearing.
Throughout public comment period – minimum 30 days.	Make available for public inspection the proposed program and budget in detail. Accept comments on the proposed program and the performance of the subrecipient.	Make available for public inspection the proposed program and budget in detail. Accept comments on the proposed program and the performance of the subrecipient.
For a period of <u>at least</u> 3 weeks long, in advance of the hearing	<i>(Not applicable.)</i>	Accept requests for public hearing.
Prior to submitting ATP to MTA	Conduct public hearing.	If requested, conduct public hearing.
With submittal of ATP to MTA	Provide documentation of the public notice, public hearing, and comments received.	Provide documentation of the public notice, public hearing (if requested), and comments received.

Note: There are also public notice requirements for LOTS service changes; however, the requirements described in this subsection apply only to the POP for the ATP. Public notice requirements are also discussed in more detail in Chapter 14.

In brief, the minimum timeline for the public notice process for the ATP can be summarized as follows:

1. Develop application.
2. Day 1: Notify public that material regarding application is available for the public to review as well as details on any public meeting/hearing.
3. Day 1 – Day 21: Accept requests for public hearing (if applicable).
4. Day 1 – Day 30: Accept written comments.
5. Day 30: Hold public meeting/hearing if required.
6. Day 30 or later: Document comments and submit ATP to MTA.

Public Notice about the Public Hearing (or Opportunity) on the POP

A notice must be published in a newspaper of general circulation announcing the public hearing (or the opportunity for a hearing with a proposed date as well as the process to request a public hearing) at the end of the 30-day period. If the community has a large minority of non-English speaking persons, the notice should also be published in a non-English publication as detailed in Chapter 13.

The subrecipient must inform the public of the capital, operating, and planning projects proposed to be undertaken. The public announcement that summarizes the POP also needs to indicate where citizens can examine the proposed program and budget in detail and submit comments on the proposed program and the performance of the subrecipient. You must consider comments and views received from the public in preparing the final POP. As noted above, if the POP is revised as a result of the public input process, it must be made available to the public.

The notice must include the following:

- Name of applicant.
- Area to be served.
- Proposed POP - description of the proposed services and projects for which funding will be requested.
- Budget and financing information. Notice must identify specific dollar amounts of State and/or Federal funds for each project and clearly state that these funds are being applied for from the MTA and the FTA.

- An itemized list of all current capital requests.
- Where the detailed POP and budget are available for review.
- Time, date, and place for the public hearing.
- Procedures for submitting written public comment.
- Procedures for requesting special accessibility accommodations at the public hearing as well as accessible formats of any written information provided at the meeting.
- If you are publishing an opportunity for a hearing upon request, instructions to request a hearing.

A certified copy of this notice received from the newspaper must be submitted as part of the ATP.

All private operators in the service area must also be mailed a separate notification of the public hearing.

Conducting the Public Hearing

The public hearing must be held at a place and time generally convenient for individuals affected by the project. The facility should be located on a public transit route and should be held at a time that is served by public transit (and ADA complementary paratransit) so that customers are able to get to and from the hearing using your transportation services.

Meeting locations and materials must be accessible to individuals with disabilities, including sight and hearing impairments. This means that a sign language interpreter must be provided upon request by a deaf individual, and any printed materials to be distributed must be prepared in appropriate accessible formats (such as large print, audiotape, and/or braille) if requested by an individual who is blind or has low vision. The published announcement should specify that individuals requiring special accommodations indicate this at the time they request the hearing (within the three-week window). The meeting must be held in a facility that is accessible to individuals who use wheelchairs.

Provisions must be made at the hearing for submission of written statements, exhibits, and oral statements.

Publishing the Final POP

You must consider comments and views received from the public in preparing the final POP. If the proposed POP is revised as a result of the public input process, the public must be notified that a final version is available. If the notification about the proposed POP included a statement that the proposed program will be the final program unless amended, and the proposed POP is not amended, the notice of the proposed POP also satisfies the requirements regarding publishing the final POP.

Documentation

A certified copy of the public notice publication, public hearing minutes, a list of attendees, and copies of written statements submitted during the 30-day period must be documented and submitted as part of the ATP. Whether or not a hearing is held, the applicant must attach copies of any written statements received and describe how public comments were addressed.

Applying for Other MTA Funding Programs

Those MTA funding programs that are not considered LOTS-specific funding (and therefore are not included in the ATP package) have their own application and public/private consultation processes. These programs include Section 5310, Section 5311(f) (Intercity Bus), State Coordinating and Technical Assistance (SCATA), Rideshare, and Senior Rides. For more information on applying for any of these programs, contact the Office of Local Transit Support.

ASSET MANAGEMENT PLANNING

General Requirements

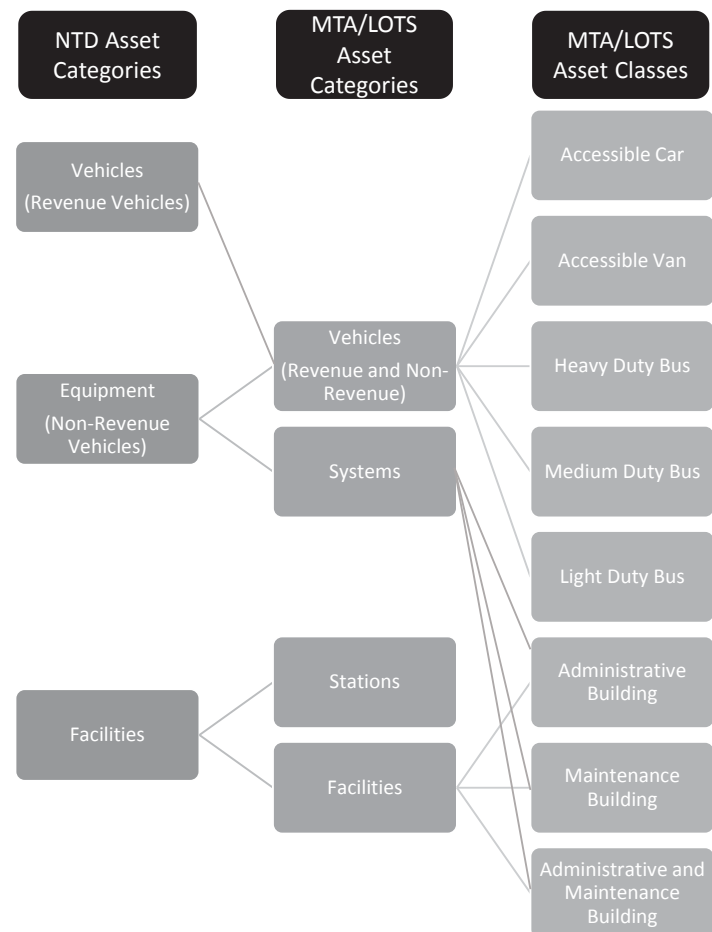
In July 2016, the FTA issued its final rule on Transit Asset Management, 49 CFR Part 625, a set of Federal regulations that requires FTA-funded transit providers to collect and use asset inventory and condition data, set state of good repair (SGR) performance targets, develop strategies to prioritize investments, and prepare a plan to meet those targets. This rule, made effective October 1, 2016, applies to all recipients and subrecipients under 49 U.S.C. Chapter 53 who own, operate, or manage public transportation assets used to provide public transportation.

The Asset Management Plan (AMP) is a strategic and systematic approach of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation.

(Note that Transit Asset Management is referred to by the FTA as TAM, but in this manual, we will refer to the plan as AMP).

For the FTA TAM requirements, National Transit Database (NTD) asset categories include vehicles, facilities, equipment, and elements of infrastructure (applicable to Tier I agencies only) used for providing public transportation. MTA categorizes its LOTS assets by: vehicles, systems, stations, and facilities. Asset categories, asset classes, and their alignment to both MTA and Federal reporting requirements are illustrated in Figure 2-1.

Figure 2-1: Asset Categories and Classes



Under the final rule, transit providers are grouped into one of two tiers:

- Tier I providers are recipients that own, operate, or manage:
 - One hundred and one (101) or more vehicles in revenue service during peak regular service across all fixed-route modes or in any one non-fixed route mode; or
 - Rail transit.
- Tier II providers are recipients that own, operate, or manage:
 - One hundred (100) or fewer vehicles in revenue service during peak regular service across all non-rail fixed-route modes or in any one non-fixed-route mode (includes MTA 5310 subrecipients); or
 - A subrecipient under the 5311 Rural Area Formula Program; or
 - Any American Indian tribe.

Every LOTS receiving Federal funds must:

- **Identify an Accountable Executive¹ for their agency.**

¹ An Accountable Executive is a single, identifiable person who has ultimate responsibility for carrying out the safety management system of a public transportation agency; responsibility for carrying out transit asset management practices; and control or direction over the human and capital resources needed to develop and maintain both the agency's public transportation agency safety plan, in accordance with 49 U.S.C. 5329(d), and the agency's Asset Management Plan in accordance with 49 U.S.C. 5326.

- **Establish annual performance targets.** Tier I agencies will establish annual SGR performance targets by asset class for their agency. Tier II agencies will share a single group SGR target annually for applicable asset classes.
- **Coordinate these performance targets with the State and MPOs.**
- **Develop its own AMP or participate in a group AMP.** Tier I agencies are responsible for developing and updating their own AMPs. Tier II agencies will either share the development and update of a group AMP under MTA, or opt-out of a group AMP and develop a AMP on their own.
- **Report asset inventories, condition, and performance through the NTD.** Tier I agencies are responsible for submitting required asset management reports directly to NTD. For Tier II agencies, MTA will submit required asset management reports to NTD on behalf of the group.

Transit Asset Management Performance Measures and Targets

Transit Asset Management performance measures are set by FTA/NTD asset category where the SGR performance is measured against a “Useful Life Benchmark”² or “ULB.” (Note that ULB is not the same as “useful life” as used in FTA Grant Programs; rather, it is defined as the expected lifecycle or acceptable period of use in service for an asset given Maryland’s unique operating environment.)

SGR performance targets are presented as the percent threshold at which the agency’s assets are able to safely operate at a full level of service – meaning the percent of assets tolerated at or above the ULB. Tier I LOTS must set their own annual SGR performance targets for each asset class for which they have direct capital responsibility³. Tier II LOTS must set shared group annual performance targets by asset class and be approved by each identified Accountable Executive.

To support development of appropriate performance targets, MTA has adopted the ULBs for its Tier II Group AMP participants as shown in Table 2-2. These ULBs are also suggested for Tier I agencies.

² ULB is defined as the expected lifecycle or the acceptable period of use in service for a particular transit provider’s operating environment. It takes into account a provider’s unique operating environment (e.g., geography, service frequency, passenger loads, etc.). ULBs based on actual LOTS disposition data.

³ You have direct capital responsibility if you own the asset, you jointly own the asset with another entity, or you are responsible for replacing, overhauling, refurbishing, or conducting major repairs on that asset, or the costs of those activities are itemized as a capital line item in your budget. (source: Frequently Asked Question No. 4 on <https://www.transit.dot.gov/TAM/gettingstarted/htmlFAQs>)

Table 2-2: MTA ULBs for Tier II Group AMP Participants

NTD Asset Category	NTD Performance Measure	MTA/LOTS Asset Class	FTA ULB (by Age)
Revenue Vehicles	Age	Accessible Car	8 Years
		Accessible Van	8 Years
		Bus Heavy Duty	14 Years
		Bus Medium Size Heavy Duty (<30ft)	14 Years
		Bus Medium Duty	14 Years
		Bus Light Duty	10 Years
Equipment (Non-Revenue Vehicles)	Age	Non-Revenue Vehicle	14 Years
		Support Car/Truck	8 Years
		Support Van	8 Years
Facilities	TERM Rating	Administrative Building	TERM Score of 3*
		Maintenance Building	
		Admin and Maint Building	
		Bus Transfer Facility	
		Bus Storage	

*Term rating of 3 is for the overall facility. Please refer to the condition assessment section for how to calculate the overall facility condition rating.

MTA uses a decision-support tool called the Transit Economic Requirements Model (TERM) Lite, customized for Maryland, to estimate LOTS' assets' conditions. Based on age and useful life, condition is estimated using a 1-5 rating scale as depicted in Table 2-3. While TERM Lite can be used to estimate the condition of all asset classes, FTA requires that transit agencies perform a physical condition assessment of their facilities for the purposes of performance measurement as described in the condition assessment section below.

Table 2-3: Condition Rating Scale

Condition	Ratings	Description
Excellent	5	No visible defects, new or near new condition, may still be under warranty if applicable
Good	4	Good condition, but no longer new, may have some slightly defective or deteriorated component(s), but is overall functional
Adequate	3	Moderately deteriorated or defective components; but has not exceeded useful life
Marginal	2	Defective or deteriorated component(s) in need of replacement; exceeded useful life
Poor	1	Critically damaged component(s) or in need of immediate repair; well past useful life

AMP

AMPs establish the objectives for an asset or group of assets as it relates to delivering public transportation service. Well-established AMPs set out the whole life plan for asset maintenance, overhaul, and renewal strategies by specifying the capital asset inventory, condition assessments, decision support, and investment prioritization. A AMP is a living, single source of information that continues to evolve to improve delivery of services.

As presented in the FTA AMP Final Rule, Subpart C, required components for Tier I and Tier II AMPs include:

1. An inventory of capital assets,
2. A condition assessment of inventoried assets,
3. Decision support tools (or processes), and
4. A prioritization of investments needed to maintain assets in a state of good repair.

In addition to the above, under the Final Rule, Tier I AMPs must also include:

5. A AMP and SGR Policy,
6. A AMP implementation strategy,
7. Key activities the provider will engage in over the plan horizon,
8. A list of resources needed to implement the plan, including personnel, and
9. An outline of how the plan and related business practices will be monitored, updated, and evaluated to ensure continual improvement of its AMP practices.

Capital Asset Inventory

The capital asset inventory includes all assets used in the provision of public transportation with or without Federal funds including:

- All revenue vehicles,
- Equipment (non-revenue vehicles, all IT-related equipment regardless of unit value, and other equipment integral to the public transportation system or network valued over \$15,000 per MTA policy),
- Equipment (other equipment valued over \$15,000 per MTA policy), and
- Facilities.

For Tier I agencies, guideway infrastructure, if applicable, must also be included.

Each year, as part of the ATP application, in Form 6/6A/6B, the LOTS submit asset inventory updates. MTA requires four core pieces of data per asset record:

- Type of transit asset,
- The asset's in-service date,
- Original procurement or delivery cost of the asset, and
- The asset's useful life and ULB (provided by MTA).

Condition Assessment

A condition assessment is also required of the assets for which a provider has direct capital responsibility and is valued at \$15,000⁴ or more. Table 2-7 summarizes the assets required for inclusion in the capital asset inventory, condition assessment, NTD report, and performance targets.

The condition assessment must provide a level of detail sufficient to monitor and predict performance and prioritize investments in the assets:

- For revenue vehicles & equipment (non-revenue vehicles), the condition assessment is based on the asset's age, mileage, and supplemented with physical condition data.
- For facilities, the overall facility condition rating is based on the TERM scale (1-5, where 5 = excellent and 1 = poor, as previously presented in Table 2-3) and must involve a physical condition assessment of facility components with focus on safety-critical components utilizing the alternative weighting aggregation approach following the FTA *Facility Condition Assessment Guidebook*. This section will be expanded in the next update of the LOTS Manual as AMP and Safety Management Processes are further developed.

Facilities must be physically inspected at least once every four years. One-fourth of all facility condition assessments must be reported in NTD for RY2018, another one-fourth reported for RY2019, and the last two fourths reported for RY2020 and RY2021.

Overall facility condition ratings are based on the following component ratings:

- Substructure,
- Shell,
- Interiors,
- Conveyance,
- Plumbing,
- HVAC,
- Fire Protection,
- Electrical,
- Equipment (Administrative/Maintenance Facilities Only),
- Fare Collection (Passenger/Parking Facilities Only), and
- Site.

Examples of subcomponents to be assessed under each facility component listed above can be found in Table 2-5.

⁴ FTA requires equipment that is not considered as non-revenue vehicles and valued at \$50,000 or more to be included in the provider's capital asset inventory and a condition assessment is required for those equipment assets which the provider has direct capital responsibility for. MTA/LOTS, however, has adopted a \$15,000 threshold.

Table 2-5: Facility Components and Subcomponents

Minimum Facility Components	Subcomponents
Substructure	<ul style="list-style-type: none"> • Foundations: Walls, columns, pilings, and other structural components • Basement: Materials, insulation, slab, and floor underpinnings
Shell	<ul style="list-style-type: none"> • Superstructure / structural frame: Columns, pillars, and walls • Roof: Roof surface, gutters, eaves, skylights, and chimney surrounds • Exterior: Windows, doors, and all finishes (paint, masonry) • Shell appurtenances: Balconies, fire escapes, gutters, and downspouts
Interiors	<ul style="list-style-type: none"> • Partitions: Walls, interior doors, and fittings such as signage • Stairs: Interior stairs and landings • Finishes: Materials used on walls, floors, and ceilings
Conveyance	<ul style="list-style-type: none"> • Elevators, escalators, and lifts
Plumbing	<ul style="list-style-type: none"> • Fixtures, water distribution, sanitary waste, and rain water drainage
HVAC	<ul style="list-style-type: none"> • Energy supply • Heating and cooling generation and distribution systems • Testing, balancing, controls, and instrumentation • Chimneys and vents
Fire Protection	<ul style="list-style-type: none"> • Sprinklers, standpipes, hydrants, and other fire protection specialties
Electrical	<ul style="list-style-type: none"> • Electrical service and distribution • Lighting and branch wiring (interior and exterior) • Communications and security • Other electrical system-related pieces such as lightning protection, generators, and emergency lighting
Equipment (Administrative and Maintenance Facilities)	<ul style="list-style-type: none"> • Equipment related to the function of the facility, including maintenance or vehicle service equipment • For clarity, includes only items valued above \$10,000 and related to facility function
Fare Collection (Passenger and Parking Facilities)	<ul style="list-style-type: none"> • Turnstiles, ticket machines, and any other major equipment requiring capital request for replacement
Site	<ul style="list-style-type: none"> • Roadways/driveways and associated signage, markings, and equipment • Parking lots/pedestrian areas and associated signage, markings, and equipment • Site development such as fences, walls, and miscellaneous structures • Landscaping and irrigation • Site utilities

Decision-Support

As part of the group AMP development and updates, MTA will also provide a description of the analytical processes or decision-support tools used to estimate and prioritize capital investment needs over time. TERM Lite, as customized for Maryland, is MTA's decision-support tool. MTA runs TERM Lite on behalf of LOTS. TERM Lite analysis estimates asset condition, prioritizes asset replacement needs over time, and determines the SGR backlog for the LOTS.

Prioritization of Investments

As required by the Federal final rule on TAM, a ranked project-based prioritization of investments over the AMP horizon period must be provided. Prioritization of investments is only required for those that the agency has direct capital responsibility for and should consider all funding sources reasonably expected in each fiscal year over the AMP horizon period. Additionally, SGR projects that pose a safety risk if not prioritized must be given due consideration (please refer to Chapter 11 for more detail on risk and risk management) as should ADA compliance requirements (under 49 CFR 37.161 and 37.163 concerning maintenance of accessible features – see Chapter 12 – and 49 CFR 37.43 concerning alteration of transportation facilities – see Chapter 7).

MTA has a two-tiered investment prioritization process:

- In the first tier of prioritization, utilizing individual analysis of inventory and condition data and TERM Lite analysis outputs, the LOTS are responsible for providing prioritized and ranked project-based investment requests to MTA through the ATP process.
- In the second tier, supported by group TERM Lite analysis outputs, MTA then prioritizes all investment requests from the LOTS to develop a statewide priority list of investments.

AMP Development and Reporting

Transit providers have until October 1, 2018 to complete initial AMPs. AMPs must cover a horizon period of four years and be updated in their entirety at least once every four years. MTA requires annual updates to LOTS inventory and condition assessments, coinciding with the ATP process.

MTA facilitates development of the group AMP for Tier II LOTS, and will provide an AMP outline for the Tier I LOTS to use. The group AMP will include the following federally required elements at a minimum: (1) asset inventory, (2) condition assessment, (3) decision-support processes and tools, and (4) prioritization of investments. Tier II LOTS will primarily be responsible for providing to MTA the inventory and condition assessment inputs for the development of the group AMP. MTA has historically already collected most of the now-Federally-required information through forms in the ATP required from each LOTS. Beginning in 2017, the LOTS are required to submit enhanced asset inventories, in advance of the ATP submission. Advanced submission of inventories is not just to the

benefit of the Tier II group but to the LOTS at an individual agency level to understand current performance (via inventory analysis, physical condition assessments, and TERM Lite analysis) and provides a basis for all LOTS to develop and update their AMPs and annual performance targets. Table 2-7 summarizes the TAM Reporting Requirements for the LOTS.

Table 2-7. Summary of MTA Required TAM Reporting

Assets	AM Plan Inventory	AM Plan Condition Assessment	NTD Inventory and Condition Submittal	SGR Targets
REVENUE VEHICLES				
Owned	✓	✓	✓	✓
Direct Capital Responsibility	✓	✓	✓	✓
3 rd Party Owned (Direct Capital Responsibility)	✓	✓	✓	✓
3 rd Party Owned (NO Direct Capital Responsibility)	✓		✓*	
FACILITIES & RELATED EQUIPMENT				
Owned	✓	✓	✓	✓
Direct Capital Responsibility	✓	✓	✓	✓
3 rd Party Owned (Direct Capital Responsibility)	✓	✓	✓	✓
3 rd Party Owned (NO Direct Capital Responsibility)	✓		✓**	
NON-REVENUE VEHICLES & IT-RELATED EQUIPMENT				
Owned	✓	✓	✓	✓
Direct Capital Responsibility	✓	✓	✓	✓
3 rd Party Owned				
OTHER EQUIPMENT: >\$15,000 IN ACQUISITION VALUE				
Owned	✓	✓		
Direct Capital Responsibility	✓	✓		
3 rd Party Owned				
EQUIPMENT: <\$15,000 IN ACQUISITION VALUE				
Integral to the Transit System***	✓	✓		
All Others				

*Representative Vehicles

**Only Passenger Facilities

***As determined by the LOTS

PLANNING FOR SPECIFIC SERVICE CHANGES

Any proposed changes of service also require certain planning activities, even if they have been incorporated in the five-year TDP. The MTA strongly recommends that the LOTS

agency consult with their local advisory committee in developing service changes. MTA service planning staff/regional planners are also available for technical consultation in evaluating current services, assessing alternatives, and developing an implementation strategy.

MTA Notification

The MTA must be notified in advance of all proposed fare and service changes. Proposed fare and service changes may be submitted to the MTA concurrently with the public notice process.

Public Comment and Notice Regarding Service and Fare Changes

Public Comment Process for Fare Changes and Major Service Reductions

The subrecipient must have a locally developed process to solicit and consider public comment before changing fare or carrying out a major reduction of transportation. This should include a written policy that describes the public comment process for fare increases or changes (including changes to the fare structure or media) and major service reductions. The process needs to define both soliciting and considering comments from the public, as well as define what constitutes a “major service reduction.” Often, this is defined as a numerical standard, such as a change that impacts 25 percent of service hours of a route. Minor service changes do not require a public comment process.

The policy should provide an opportunity for a public hearing or public meeting for any fare change or major service reduction and should describe how such meetings will be conducted and how the results will be considered in the process of changing fares and service. A public meeting or hearing is not mandatory; however, an opportunity for a public meeting or hearing in order to solicit comment must be given. The public notice process described earlier in this section for the ATP, with a 30-day advanced notice, provides guidelines for an opportunity for a public hearing.

Related civil rights and public outreach requirements are detailed in Chapters 13 and 14.

An example of a public notice written policy, as well as a checklist of steps in the public notice process, are attached at the end of Chapter 14.

Public Notice for All Service and Fare Changes

Public transit providers must notify customers and MTA in writing at least 30 days in advance of changing service (including changes in routes, schedules, service times, and bus stop locations) or fares. You are also strongly encouraged to contact your Regional Planner at the earliest possible stage of the planning process.

The purpose of this notice is to provide customers and MTA information about changes that are definitely going to happen. As such, this notification period can coincide with the public comment period required in advance of the public meeting or hearing required for fare increases. However, once the final decision is made to change fares or services, you should notify the public a reasonable amount of time in advance (and the timeline for this notification period should be included in your written policy/procedures).

For additional information on public outreach, including a checklist of steps in the public notice process, see Chapter 14.

Timeline

In brief, the timeline for the public consultation and notice process can be summarized as follows:

1. Develop proposal of specific changes to be implemented.
2. Day 1: Notify the public that material regarding changes is available for the public to review as well as details on any public meeting/hearing.
3. Day 1 – Day 21: Accept requests for public hearing (if applicable).
4. Day 1 – Day 30: Accept written comments.
5. Day 30: Hold public meeting/hearing if required.
6. Day 30: Announce results of public consultation process including, but not limited to, final decisions and implementation schedule.
7. Day 31 (or later): Implement changes.

ADA Implications of Fixed-Route Changes

It is important to keep in mind that expanding your fixed-route services, in terms of geographic area served or days and hours of service, may result in a need for additional ADA paratransit services to provide complementary coverage. The increased cost to provide ADA paratransit must also be factored into the cost to implement the fixed-route service expansion. See Chapter 12 for more information on ADA paratransit requirements.

Changes to ADA Paratransit Services

Any changes made to ADA paratransit services, policies, or plans should be made in consultation with individuals with disabilities. See Chapter 12 for more information on ADA paratransit requirements and Chapter 14 for more information on accessible public consultation.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, 42 U.S.C §§ 2000d - 2000d-7 provides that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title VI requires that transit systems plan and operate services in a non-discriminatory manner.

The Title VI requirements include public notice requirements as well as requirements for ensuring meaningful access to services for Limited English Proficiency (LEP) persons through both public information and participation, and environmental justice.

Transit providers offer services for many low-income and minority populations who have no other way to get to work, shopping, child care, medical appointments, recreation, or other destinations. Transit agencies support Title VI and environmental justice principles when they:

- Ensure that new investments and changes in transit facilities, services, maintenance, and vehicle replacement deliver equitable levels of service and benefits to minority and low-income populations.
- Avoid, minimize, or mitigate disproportionately high and adverse effects on minority and low-income populations.
- Enhance public involvement activities to identify and address the needs of minority and low-income populations in making transportation decisions, including those with LEP.

LOTS must avoid activities such as:

- Assigning new or "better condition" vehicles to non-disadvantaged areas.
- Disproportionately providing service to non-disadvantaged populations.

All LOTS need to take some actions in order to ensure compliance with Title VI. All systems need a written Title VI Policy and Program, although the level of detail, submission requirements, and reporting requirements are lower for systems operating in areas with populations less than 200,000. LOTS that provide service to geographic areas with 200,000 people or greater are required to submit a formal Title VI program to MTA and FTA for review as well as provide periodic updates and additional reporting to the FTA (through MTA) as part of their Title VI program.

For more information, see Chapter 13 as well as FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>).

AMENDMENTS TO THE GRANT AGREEMENT

Once a grant has been approved and executed, MTA approval is required to make changes to the project. To apply for approval for mid-year changes in a project, LOTS must submit a Request for Funds (Form AE-1, attached at the end of this chapter as Attachment 2.B) to the MTA. This form may also be used for emergency requests for additional capital and operating funds outside of the grant cycle. Such requests will be considered for special urgent situations, such as loss of vehicles or facilities as a result of natural disasters.

PLANNING REQUIREMENTS PERTAINING TO ITS PROJECTS

ITS projects are subject to special planning requirements.

Conformance with National and Regional ITS Architecture

ITS projects funded by FTA must conform to the National ITS Architecture, as well as to USDOT-adopted ITS Standards. ITS projects and programs are also required to be a part of a locally approved Regional ITS Architecture. The ITS Architecture Policy provides flexibility to local areas in determining what agencies or organizations take the lead in developing the regional ITS architecture. The policy requires that the regional ITS Architecture must be part of the local planning process and be consistent with and be reflected in the STIP and the TIP of the region's MPO.

In addition, the LOTS must establish a process for the systems engineering analysis of ITS projects (described later in this chapter).

What are the ITS Standards?

To date, the U.S. DOT has not adopted any ITS standards of its own. Updated information on the U.S. DOT ITS Standards Program can be found at <http://www.standards.its.dot.gov/>.

FTA encourages the appropriate use of standards that have been developed via industry consensus by a standards development organization (SDO). The SDOs include the American Public Transportation Association (APTA); all of U.S. DOT's SDOs are listed online here:

<https://www.standards.its.dot.gov/About/ProgramPartners>. Among the standards developed by APTA include Transit Communications Interface Profiles (TCIP), Contactless Fare Media System (UTFS), Control and Communications Security (CCS), and Transit Operational Software (development is currently under way).

What is Regional ITS Architecture?

As noted above, FTA-funded ITS projects and programs are also required to be a part of a locally approved Regional ITS Architecture. The Regional ITS Architecture is a tool that is used in transportation planning, programming, and

project implementation for ITS. It is a framework for institutional agreement and technical integration for ITS projects and is the place to start when defining the basic scope of a project.

Subrecipients of FTA funds are not likely to be the lead agency for the development of the Regional ITS Architecture. The lead agency may be the MPO or the State. However, the subrecipient needs to be an active participant in the Regional ITS Architecture development and maintenance if the subrecipient is implementing ITS projects.

The Maryland Statewide ITS Architecture was developed in 2009 and can be found on the website of the ITS Maryland website at <http://itsmd.org/resources/maryland-its-architecture/>. The Maryland Statewide Architecture was developed for the State Highway Administration with support from the University of Maryland Center for Advanced Transportation Technology Laboratory and the Federal Highway Administration.

ITS Compliance and Conformity Review Process for the LOTS

MTA is responsible for reviewing ITS-related projects of its subrecipients and documenting their compliance with the regional ITS architecture. All ITS projects are required to go through the ITS Architecture Panel (IAAP) for review. The IAAP, created by the Maryland State Highway Administration, is the oversight panel that created the Statewide ITS Architecture and that reviews all projects that wish to conform.

MTA begins the review process as part of the grant application evaluation. To ensure ongoing funding eligibility, all ITS projects must:

- Show conformity with MD Architecture.
- Adjust to become consistent with MD Architecture if nonconforming.
- Apply ITS Standards and Systems Engineering Analysis where applicable.

Projects selected for MTA funding are subject to IAAP review for conformity prior to project initiation. Once the IAAP determines that the project conforms with Maryland ITS Architecture, it releases notice of project conformity. Based on this notice, the MTA issues a letter of concurrence, and then the project can be initiated. The time frame for this review process can range from two to four months.

Systems Engineering Analysis

FTA grantees are required to follow a systems engineering analysis in implementing an ITS project. The IAAP review process described above includes this analysis. Systems engineering reduces the risk of schedule and cost overruns and increases the likelihood that the implementation will meet the user's needs. Appendix E outlines the seven-step systems engineering analysis prescribed in FTA's ITS Architecture Policy, as well as factors used to assess the extent of the risk involved in the project. If a LOTS is seeking ITS funding, it will have to follow the seven-step process and include relevant portions as part of their grant application. If you have questions, you should contact your Regional Planner prior to requesting an ITS project grant.

Because of the above requirements, procurement of ITS technology funded by FTA or MTA funding needs to:

- Include provisions for conformity with the National ITS Architecture,
- Be included as a part of a locally approved Regional ITS Architecture,
- Include the seven-step systems engineering analysis listed in Appendix E (at least for high-risk projects), and
- Be submitted with a complete Maryland ITS Architecture Conformity Form (Attachment 2.C) as part of the ATP.

ADDITIONAL RESOURCES

State Transportation Plans

Maryland's Consolidated Transportation Program (CTP) –
<http://www.mdot.maryland.gov/newMDOT/Planning/CTP/Index.html>

Maryland Transportation Plan –
[http://www.mdot.maryland.gov/newMDOT/Planning/Maryland Transportation Plan/Index.html](http://www.mdot.maryland.gov/newMDOT/Planning/Maryland%20Transportation%20Plan/Index.html)

Local and Regional Planning Bodies

Links to county departments of planning within Maryland –
<http://www.msa.md.gov/msa/mdmanual/01glance/html/planloc.html>

Regional Planning Body	Counties in Region
Baltimore Metropolitan Council – http://baltometro.org	Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Anne's
Metropolitan Washington Council of Governments / National Capital Region Transportation Planning Board – http://www.mwcog.org/transportation/	Charles, Frederick, Montgomery, Prince George's
Mid-Shore Regional Council - http://www.midshore.org/	Caroline, Dorchester, Talbot
Tri-County Council for Southern Maryland - http://tccsmd.org/	Calvert, Charles, St. Mary's
Tri-County Council for the Lower Eastern Shore of Maryland - http://www.lowershore.org/	Somerset, Wicomico, Worcester
Tri-County Council for Western Maryland - http://www.tccwmd.org/	Allegany, Frederick, Garrett, Washington
Upper Shore Regional Council - http://www.uppershoreregionalcouncil.org/	Cecil, Kent, Queen Anne's

MTA Resources

LOTS and other local grant application packages and guidance -
<http://webbuilder.nationalrtap.org/tam/Office-of-Local-Transit-Support>

Asset Management Planning

49 CFR Part 625, "Transit Asset Management" - http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr625_main_02.tpl

Asset Management Guide for Small Providers (FTA Report No. 0092) and template - <https://www.transit.dot.gov/TAM>

FTA Facility Condition Assessment Guidebook (DRAFT as of January 2017) - <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Facility%20Performance%20Assessment%20Guidebook.pdf>

“FTA Transit Asset Management Checklist #3” - https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/TAM_checklist_3_RuleCompliance_1.pdf

Other FTA/USDOT Resources

Final Rule on Statewide and Nonmetropolitan Transportation Planning and Metropolitan Transportation Planning (May 2016) – <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/final-rule-statewide-and-nonmetropolitan>

Transportation Planning section of FTA website – <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/transportation-planning>

FTA Circular 8100.1C, “Program Guidance for Metropolitan Planning and State Planning and Research Program Grants,” particularly Chapter II for description of the elements of the metropolitan planning organization activities for FTA programs - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/program-guidance-metropolitan-planning-and-state-planning-and>

FTA Circular 4702.1B, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients” – <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>

How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision Making, prepared by PBS&J for the Federal Highway Administration – http://www.fhwa.dot.gov/planning/publications/low_limited/index.cfm

Transit Service Planning Resources

Transit Cooperative Research Program (TCRP) – numerous resources – <http://www.tcrponline.org/>

National Transit Institute (NTI)’s “Introduction to Transit Service Planning” course - <http://www.ntionline.com/introduction-to-transit-service-planning/>

Best Practices in Transit Service Planning, prepared by the Center for Urban Transportation Research at University of South Florida for the US DOT and Florida DOT (2009) - <http://www.nctr.usf.edu/pdf/77720.pdf>

Estimating Ridership of Rural Demand-Response Transit Services for the General Public, prepared for the USDOT by Jeremy Mattson, North Dakota State University, Upper Great Plains Transportation Institute, Small Urban and Rural Transit Center - <http://www.ugpti.org/resources/reports/details.php?id=851&program=surtc>

Coordination Resources

Maryland Coordinated Community Transportation website - <http://www.kfhgroup.com/mdcoordinationplans.htm>

Community Transportation Association of America (CTAA) - CTAA's website includes information on the numerous coordination-related programs and initiatives - www.ctaa.org

National Aging and Disability Transportation Center (NADTC) offers free resources, including coordination resources developed under the former FTA-funded Project ACTION and National Center on Senior Transportation - <http://www.nadtc.org/>

National Center for Mobility Management - <http://nationalcenterformobilitymanagement.org/>

Transit Cooperative Research Program (TCRP) – numerous resources – <http://www.tcrponline.org/>

CHAPTER 2: SUMMARY CHECKLIST

- ❑ Participate in local and regional transportation planning efforts on an ongoing basis. If you are in a metropolitan area, ensure that a current agreement is in place with the MPO.
- ❑ Update your TDP every five years.
- ❑ Establish an advisory committee that meets on an ongoing basis.
- ❑ Coordinate to the extent feasible with human service agency transportation services.
- ❑ Prepare a complete ATP using the application format specified by the MTA.
- ❑ At least 30 days before submitting your ATP to local elected officials for approval, you must:
 - Notify private operators,
 - Submit the SSTAP portion of your ATP to your local AAA for approval, and
 - Publish notice of a public hearing or an opportunity for a public hearing with at least a 3-week window in which to request a hearing. The hearing/tentative hearing opportunity should be scheduled so that you have time to address significant issues before presenting the ATP to the elected officials for approval.
- ❑ If requested, hold the public hearing, providing accessible information or sign language interpretation if requested.
- ❑ Submit your ATP to the MTA by the deadline.
- ❑ Identify your Accountable Executive for Transit Asset Management Plan (AMP).
- ❑ Establish state of good repair (SGR) performance targets.
- ❑ Develop and update a AMP for vehicles, equipment, and facilities.
- ❑ Participate in the development of the local public transit-human services transportation plan.
- ❑ Establish written policy of public notice and comment for fare increases or major service reductions.
- ❑ Provide 30-day public notice of proposed fare increases or major service reductions, including a public hearing or public meeting or opportunity for one, and means for accepting comments outside of the hearing/meeting.
- ❑ Provide 30-day public notice to the public and MTA before implementing fare and service changes.
- ❑ Identify and address ADA implications of service changes.
- ❑ Ensure that no segment of the community protected under Title VI of the Civil Rights Act of 1964 is discriminated against by changes in services, facilities, or policies.

3

FINANCIAL MANAGEMENT

This chapter summarizes the financial management requirements for LOTS, including:

- ***Accounting and Recordkeeping***
- ***Budget Development***
- ***Cost Allocation***
- ***Local Match***
- ***Non-Fare Revenue Requirements***
- ***Force Account Plan***
- ***Reimbursement Process***
- ***Reporting Requirements***
- ***Budget Monitoring and Adjustments***
- ***Performance Monitoring***
- ***Audits***
- ***Grant Closeout***

Overarching requirements for financial management for Federal grant recipients and subrecipients are found in the “Super Circular,” 2 CFR Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl.

ACCOUNTING AND RECORDKEEPING

Accounting Practices

Each LOTS must have accounting procedures in place that allow for accurate reporting as well as a method for allocating shared costs to different grants (discussed later in this chapter). If your agency is a branch of county or municipal government, it is important to work closely with the accounting department so that you have a thorough understanding of which expenses are or should be assigned to each account and sub-account, and that you can trace any modifications made to match the line items used by the MTA for LOTS budgets and reports.

The FTA recommends the Uniform System of Accounts. This system is available on the FTA website at <https://www.transit.dot.gov/ntd/uniform-system-accounts-usoa>.

Recordkeeping

In general, each LOTS must maintain records that support each grant for a minimum of three years after closeout of the grant. Electronic records should be backed up. Financial and operating data (discussed in Chapter 9, Operations Management) that allows for completion of required reports and monitoring of potential compliance issues, must be collected.

There is a recordkeeping obligation to keep on file supporting documents for allocated costs such as force accounts (explained later in this chapter) and overhead. This expressly means timesheets where appropriate.

BUDGET DEVELOPMENT

The Annual Transportation Plan (ATP) requires that a budget be developed for each funding source. If realistically developed, your budget can be a useful tool in controlling costs, managing grants, monitoring system performance, and forecasting funding needs for future years. As noted later in this chapter, you should compare actual revenues and expenses to your budget at a minimum quarterly and ideally monthly. At the end of the year, you should compare actual line item expenses with budgeted amounts, and use this analysis when planning your next year's budget (discussed later in this chapter under "Budget Monitoring and Adjustments").

To develop a realistic budget, start with what your actual administrative and operating costs for your total transportation program are likely to be, rather than basing your budget on known funding sources and amounts. Of course, if projected costs exceed available funding, you will need to scale back services, increase your local match, or secure additional funding from other sources. To attribute costs to appropriate grants, use a cost allocation model as described later in this chapter.

Each grantee is required to reconcile their budget once the final grants are awarded. The expenditures must be adjusted to balance with the actual grant awards, and the revised budget must be submitted to MTA.

Annual Transportation Expense Categories

The administrative and operating budget is submitted as part of the ATP/LOTS grant application. MTA has developed a template for formatting your budget, known as Form B-2 in the ATP (Attachment 3.A). This template is also used for quarterly reports as described later in this chapter. For convenience, the electronic form includes the most common line items used by the LOTS. You are welcome to edit line item titles to better align with your organization's budget. However, you must use this general template to submit your budget with the ATP, avoid deleting or inserting additional rows or columns, and follow the instructions that are updated in each year's ATP package.

The ATP also includes a series of capital project budget forms, numbered C-1 through C-9.

Typical operating and capital expense categories, as can be found on Form B-2 and the “C” forms, include:

Operations

- Driver and dispatcher salaries and fringe benefits
- Fuel
- Vehicle insurance
- Vehicle depreciation (not eligible for MTA or FTA funded vehicles)
- Vehicle lease
- Vehicle license
- Vehicle storage facility
- Operations training
- Other

Purchased Service Operations

Purchased Service Operations is for expenses associated with third party contracting agreements between LOTS and private or public contractors operating transit services for LOTS.

Maintenance*

- Mechanics and mechanics aides salaries and fringe benefits
- Maintenance contract (all outsourced)
- Preventive maintenance (PM) - Capital Expense*
- Tubes and tires
- Oil
- Materials and supplies (parts)
- Maintenance facility rental
- Equipment rental
- Utilities
- Maintenance training
- Other

Administration

- Salaries and fringe benefits of time spent administering the transportation program by the agency administrator, manager, secretary, bookkeeper, and other staff
- Materials and supplies
- Telephone
- Office rental
- Utilities
- Office equipment rental
- Administrative training

- Safety and security
- Other

Capital*

- Purchase of vehicles (replacement or expansion)
- Refurbishment of vehicles
- Purchase/Leasing of equipment
- Facility design and construction

***Note: Vehicle preventive maintenance can be funded as a capital expense to take advantage of higher Federal/State match percentage, but is reported in the operating budget of the ATP.**

Planning and Technical Assistance

- Transportation Development Plans
- Major facility feasibility studies
- Coordination activities

Disallowed Expenses

The following expenses are not eligible for FTA or State funding:

- Fines and penalties
- Bad debts
- Entertainment
- Interest (with certain exceptions)
- Depreciation
- Provision of charter services
- Lobbying activities
- Expenses paid by other funding sources

COST ALLOCATION

All LOTS must have an approved cost allocation plan (CAP plan) for allocating transportation costs among funding programs and services. The MTA must approve this plan. Such a plan is also required for all MTA subgrantees receiving multiple operating grants.

LOTS that allocate administrative costs across multiple programs (i.e., transportation is only one of your organization's programs) must also have an approved overhead or indirect cost rate, as described later in this section. It is important to note that cost allocation and overhead are different (though related) concepts.

Cost allocation is needed to fairly represent the actual cost of providing each of the transportation services (such as fixed-route, route-deviation, and demand-response) operated by one organization. Since most organizations have administrative and operating expenses for functions that support all the transportation services, a methodology is needed to divide or allocate these costs among the individual services.

As a LOTS, you probably face one or more of the following challenges:

- Allocating shared agency (administrative) costs to transportation. (This challenge is faced by multi-purpose agencies, such as departments of public works, aging, and community action agencies)
- Allocating transportation costs to various funding programs (such as Section 5311, Section 5307, and SSTAP).
- Allocating transportation costs to individual routes or services.
- Allocating “local share” to multiple jurisdictions (see the Local Match section later in this chapter).

It is important to note that the cost allocation process should generally include all costs but may vary depending on purpose and grant rules. For example, “fully allocated costs” include vehicle and capital costs (depreciation); however, LOTS cannot include depreciation of Federally-funded and/or State-funded vehicles in costs charged against Federal/State grants.

Overhead Rate for Multi-Purpose Agencies: Allocating Shared Agency (Administrative) Costs to Transportation

Often referred to as agency “overhead” or “indirect rate,” multi-purpose agency administrative costs are generally expressed as a percentage of direct costs (attributable to each of the agency purposes). Overhead is used by agencies with grants from multiple funding sources for shared administrative costs (for example, salary of the executive director, cost of the administrative facility, agency-wide audit and accounting, legal) to allocate these “non-direct” agency costs that are not directly attributable to the delivery of services to the various grants or funding sources (Agency on Aging, LOTS grants, Head Start, etc.).

If your system uses any portion of LOTS grants to fund overall agency administrative expenses, you need to have an approved indirect rate from the cognizant Federal agency, as well as from MTA. You may not charge indirect costs to a LOTS grant without these letters of approval, which must be maintained on file since MTA may ask for them at a later date. The approved CAP plan and indirect cost rate must be utilized to develop each MTA Payment Request, and the rate and related supporting documentation must be maintained on file for audit purposes. LOTS are required to provide an annual cost allocation plan for any indirect cost rates utilized, and must also obtain approval for any changes to an indirect cost rate.

The cognizant agency is determined by calculating which Federal agency provides the most grant funding. This agency may change from one year to the next. For some LOTS, the cognizant agency may be the FTA, but for those LOTS that are part of county government or a multiple-purpose human service agency, the cognizant agency is likely to be another Federal agency. The LOTS is required to have its indirect cost rates approved by its cognizant Federal agency annually and provide the MTA with their indirect cost rate.

Directly Charging Costs as an Alternative to Allocation

To directly charge costs to a particular transit program or transit service, agencies must have a mechanism in place to track actual costs for each program, service, and/or route. Some transit systems use a combination of directly charging some costs and allocating other costs, using an approved method such as that which is introduced below and described in Appendix F. The method that is appropriate (and practical) for your agency depends on whether the services/routes are distinct or divisible (so costs can be tracked easily).

Cost Allocation Methodology

If it is not possible to directly charge costs against services or grants, costs can be allocated based on the amount of resources needed to operate the services. To allocate costs to various programs or services, agencies must have a mechanism in place to track miles and hours by program, service, and route. Each LOTS should already be tracking these as required by the MTA for reporting and performance monitoring.

The simplest method, but not the most accurate, is to allocate all transportation costs based on a single unit cost basis (per-hour or per-mile). In this method, the number of hours (or miles) operated on each type of service or attributable to each grant, is multiplied by the unit cost to calculate a total cost for the period.

The most accurate method uses a combination of miles and hours. Your inputs may be “total” miles and hours or “revenue” miles and hours, as long as you are consistent. Appendix F provides instructions on allocating your transportation costs using this method.

Cost Allocation Plan Updates

As previously noted, all LOTS CAP plans must be approved by the MTA. A LOTS must resubmit the CAP plan for MTA approval if your organization has made a change in its accounting system, affecting the previously approved cost allocation methodology, cost rates and/or basis of application. A LOTS will likely be required to submit their latest approved CAP plan during any MTA Triennial Review or financial audit. If your organization has an approved indirect cost rate and companion CAP plan, the LOTS will be required to submit both annually or whenever changes occur affecting your existing CAP plan and/or indirect cost rate or for any changes exceeding the previously approved amounts by more than ten percent.

Allocated Costs versus Budgeted Funding

Your agency may find that using the cost allocation model in Appendix F results in a cost allocation that is different from the funding levels attributed to the specific program (including local match). This could suggest that either this cost allocation model does not have enough variables to accurately attribute costs to your agency's specific programs (in which case the three-variable cost allocation model is recommended), or your agency's budget is not realistic. There may be cross-subsidization among your programs, a "no-no" unless the programs share the same eligibility criteria.

Some LOTS receive grant funds from non-MTA sources that have caps on certain types of expenses. For example, a grant may only allow a certain percentage of overall funding to be spent on administrative overhead. If your cost allocation method results in a higher percentage than this cap permits, talk with your MTA Regional Planner to determine if the amount that exceeds the cap is eligible for funding under one of your MTA programs.

LOCAL MATCH

Many Federal and State grant programs require a local match. Most grant programs specify a **minimum** local match percentage of the total cost (or deficit, in the case of operating projects). This is usually expressed as a percentage of total project cost. Another way to view this budget concept is that Federal and State programs will fund a maximum percentage of the total project cost. Table 3-1 provides the typical minimum local matching ratios for each type of capital or operating LOTS grant, and Table 3-2 provides the typical minimum local matching ratios for each type of planning and technical assistance grant. The State and Federal funding percentages shown in this table reflect the typical maximum percentage. In some cases, the State and Federal share may be lower, depending on the total project costs and the availability of funding. In such cases, in order to cover the full project cost, local funds are required to make up a larger percentage of the total project cost or the scale/scope of the project would need to be modified.

For MTA-administered programs, the local match must be committed before the grant can be approved, and the percentage of local participation is spelled out in the grant agreement. Each time the subgrantee submits a request for reimbursement from the MTA, the local match must be paid as well, at the same percentage as in the grant agreement; that is, the subgrantee cannot defer spending of the local share. Local matching dollars may only be used to match one source of Federal/State funds; that is, matching funds may only be used once.

Situations may arise where a LOTS requests additional operating funding to support a current or proposed program. If the State concurs with the request for additional funding, the local operator will be required to provide a local match. The local match amount, in such mitigating circumstances, must equal, at a minimum, the original percent for that particular grant program.

Table 3-1: Matching Ratios for LOTS Capital and Operating Grant Programs

Federal/State Program	Capital			Operating		
	Maximum Federal Share	Maximum State Share	Minimum Local Share	Maximum Federal Share	Maximum State Share	Minimum Local Share
Section 5307 <i>Small Urban Public Transportation</i>	80%	10%	10%	Up to 50% of the net operating deficit	Up to 25% of the net operating deficit	At least 25% of the net operating deficit
Section 5311 <i>Rural Public Transportation</i>	80%	10%	10%	Up to 50% of the net operating deficit	Up to 25% of the net operating deficit	At least 25% of the net operating deficit
Section 5339 <i>Discretionary Capital</i>	80%	10%	10%	n.a.	n.a.	n.a.
ADA	n.a.	n.a.	n.a.	n.a.	90%	10%
Large Urban	n.a.	90%	10%	n.a.	Pending annual allocation	At least 25%
SSTAP <i>Statewide Specialized Transportation Assistance Program</i>	n.a.	95%	5%	n.a.	Up to 75% of the net operating deficit	At least 25% of the net operating deficit

Table 3-2: Matching Ratios for Planning and Technical Assistance Grant Programs

Federal/State Program	Technical Assistance			Operating		
	Maximum Federal Share	Maximum State Share	Minimum Local Share	Maximum Federal Share	Maximum State Share	Minimum Local Share
Section 5303/5304 <i>Transportation Development Plan Funding</i>	80%	10%	10%	n.a.	n.a.	n.a.

Source of Local Match

Sources of local match can include county and city appropriations, dedicated tax revenues, private donations, certain unrestricted Federal funds (such as a Community Development Block Grant, as long as the transit activities are eligible for assistance under the Community Development Program) and net income generated from the sale of advertising space on vehicles, shelters, and other transit facilities. Fares cannot be counted towards the local match. Fare revenue must be deducted from the total project

cost to determine operating deficit from which the maximum Federal and State shares are determined.

Contract Revenues as Local Match

Income from contracts to provide human service transportation may be used either to reduce net operating project cost (i.e., treated as fares) or to provide operating local match, even though the original source of such funds may have been another Federal program. Using contract revenue to reduce net operating project cost increases the LOTS local operating ratio (one of the performance indicators the MTA uses to evaluate LOTS services, as discussed later in this chapter under “Performance Monitoring”), while using contract revenue as local match reduces the need for local match from other sources.

It is the MTA’s policy that human service **contract revenue being used as local match must be verified at the time grant agreements are signed**. You must provide the MTA with a copy of your written contract or agreement prior to signing the MTA grant agreement. In addition, you must have the cash payment for contract services in hand before submitting your quarterly or monthly reimbursement request to MTA.

Further, operating funds from human service agency contracts to transport individuals, which are paid directly to the transit provider (and not included as farebox revenue), are not considered local match in the year in which the revenues were earned (but may be used as contract revenue to offset the net operating deficit).

Keep in mind that contracted rates with human service agencies must cover the fully allocated cost of providing the service. More information on determining fully allocated costs is provided earlier in this chapter.

Forms of Local Match

The local match for operating grants must be provided in cash. Local match availability is required to draw down appropriate Federal and State funds.

Section 5311(f) subrecipients may use non-subsidized miles as match for projects that include both feeder service and an unsubsidized segment of intercity bus service to which the feeder service connects, as described in Chapter 15 (see page 15-7).

The local match for all capital projects and technical assistance grants must be provided in cash and must be available before the procurement process begins.

The local match for facility projects may be provided in cash or cash equivalent (such as land value).

If cash equivalent match is used, it should be documented by a written plan, including supporting documentation detailing how it is calculated.

Allocating Local Share to Multiple Jurisdictions

If your local match is provided by more than one jurisdiction, it is recommended that your CAP plan (described earlier in this chapter) address allocation of the local match to all participating jurisdictions to determine contributions required from local jurisdictions to cover the “local share” of transportation costs. In general, this should allocate net costs (costs minus operating revenues). These costs include the local share of capital items.

Sometimes it is possible to allocate costs directly (particularly for new services or services distinct to a particular jurisdiction). If you cannot allocate costs directly, systems often allocate costs to jurisdictions based on relative miles or hours of service (e.g., if 20 percent of the system’s miles are in a jurisdiction, 20 percent of the costs are allocated to that jurisdiction).

If routes or services are assigned to specific jurisdictions, you can use one of the methods described in the above cost allocation section. This implies some control by jurisdictions over services operated on their behalf (elected officials may feel that they should specify the services operated in their areas because they are paying the local share on that service).

For LOTS that receive both Section 5307 and 5311 funding, the FTA expects subrecipients to use Section 5311 funds only to assist the rural portion of their service area, and to develop a reasonable basis for allocating operating costs between the two FTA funding sources related to the service provided.

NON-FARE REVENUE REQUIREMENTS

There are many opportunities for LOTS to earn revenue from outside sources. This section speaks to revenue received as a result of using FTA/State-funded assets or operating funds. Typical examples include, but are not limited to:

- Proceeds from the sale of an asset that was originally purchased with State or FTA funds. This applies to the sale of all FTA/State-funded equipment regardless of its useful life status. This also includes proceeds if an asset is scrapped and insurance payments are collected.
- Revenue/proceeds from advertising on buses.
- Revenue/proceeds from advertising on bus shelters.
- Revenue/proceeds from advertising on printed material like schedules and fare media.
- Revenue/proceeds from joint ventures such as rent that Greyhound may pay to sell tickets from a building funded with FTA or State funds.
- Insurance proceeds from damage to FTA funded property.

Classifications of Non-Fare Revenues

Non-fare revenue funds typically fall into one of two classifications: 1) program income or 2) capital income.

Capital income is income a subgrantee receives for the sale or disposal of any capital asset purchased with Federal or State funds (either whole or in part). This includes insurance proceeds for both totaled and partially damaged equipment.

Program income means gross income received by the grantee or subgrantee directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period. Program income includes income from fees for services performed, use or rental of real or personal property acquired with grant funds, sale of advertising and concessions, social service contract revenue, and sale of commodities or items fabricated under a grant agreement.

Recordkeeping of Non-Fare Revenues

LOTS are required to keep records of their non-fare revenues. At a minimum, the records should include when and how much is received for a specific activity (such as the sale of a bus) plus an accounting of what, when, and how much of these funds are expended on future transit related assets.

Reporting Requirement for Non-Fare Revenues

LOTS are required to submit to the MTA, on a quarterly basis (with your quarterly payment request for operating funds), a summary of activities related to non-fare revenue. A template and illustration of the detail needed for your quarterly submissions is provided as Attachment 3.B. LOTS may submit an alternate format for providing this data to the MTA for approval; however, without formal written approval from the MTA, the Non-Fare Revenue Quarterly Reporting Form in Attachment 3.B must be used.

Use of Program Income

Program income may be used to buy down the net operating cost of services delivered during the period in which it is earned. In this case, it would be treated the same as fare revenue, if it is identified as a separate line item on your budget and/or payment request form.

Program income may also be used as local match in future grants. The important nuance here is the program income cannot be used as local match for grants which are open during the time in which the income is earned. If you plan to use program income as local match in future grants, you must treat it as non-fare revenue throughout the year you earn the revenue.

Use of Capital Income

Capital income (proceeds from the sale of transit assets) may be retained by the LOTS under certain conditions (see discussion on “Property and Equipment Disposition” in Chapter 10). LOTS are required to use these funds in whole or in part to reduce the gross project cost of subsequent Federally-assisted public transportation capital projects. This means the proceeds CANNOT be used as local match in future MTA/FTA grants and cannot be used to offset the operating budget. This income can be used in the year it was earned. Capital income over \$5,000 must undergo further review by the MTA.

FORCE ACCOUNT PLAN

Work performed by a LOTS’ own work force (employees) on projects funded by an FTA capital grant (e.g., construction activities) is considered “force account” work. Labor costs charged against a grant for general oversight and administrative activities do not trigger the need for a force account.

If the LOTS employees are used in the execution of a capital grant project of at least \$100,000, the LOTS may be required to submit a force account plan to the MTA. The need to develop a force account is triggered by both the amount of funds used to pay for the labor of the LOTS employees and the total value of the grant. If the cost of force account work is \$100,000 or more, you will need to address the force account issue. If you have a grant of \$100,000 or more and do not anticipate charging \$100,000 (or more) in direct labor cost, you may be required to submit documentation affirming this fact. If you have a grant of \$100,000 or more and propose a budget for the grant showing \$100,000 or more in direct labor costs, you will be required to develop and submit a force account for MTA approval PRIOR to any work or expenses being charged against the grant. Note: a force account plan is not required by the FTA for maintenance work performed by a LOTS’ employees for a capitalized PM grant.

The force account plan needs to include a cost/benefit analysis and justification for use of the LOTS employees rather than contracting out for the service. The analysis needs to demonstrate that it is more cost-effective to do the work in-house. The force account plan must be updated annually during the life of the applicable grant.

A force account must contain four key elements:

1. Clearly state the grant number and value of the grant.
2. A line item budget showing fully loaded labor rates and other components of the project.
3. A written narrative demonstrating/justifying the need to use internal work force. Generally, there are four conditions that may exist that warrant the use of internal labor forces:

- Cost savings
- Exclusive expertise
- Safety and efficiency of operations
- Union agreements.

Your narrative must document the validity of your rationale.

4. A written description of the specific work activities that will be conducted.

Before you begin work on developing a force account, you are encouraged to contact your MTA Regional Planner to ensure your work will satisfy the Federal requirements.

REIMBURSEMENT PROCESS

All MTA-administered grants are issued to subgrantees on a reimbursement basis. Costs must be incurred before payment is made. All costs charged to MTA-assisted projects must be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges.

- Operating assistance funds will be paid by the MTA for time periods that are no less than one month and no greater than three months in length. This means your agency's Requests for Payment must be submitted quarterly, bimonthly, or monthly, no more than 30 days after the billing period. See Attachment 3.C for a sample Operating Assistance Request for Payment. Requests for Payment will only be approved if submitted on time and accompanied by a completed Operating Budget Summary and Service Performance Summary (Forms B-2 and 2a (including electronic version), Title VI Log, EEO Log, Charter Log, and Non-Fare Revenue Log, discussed in the next section).
- For a capital reimbursement, the LOTS must submit copies of all supporting documentation for purchases, including original invoices, and, for any purchase over \$1,000, a copy of the concurrence letter that was received from the MTA Regional Planner. See Attachment 3.D for a sample Capital Assistance Request for Payment.

Once the MTA has received and approved the Request for Payment and accompanying statements, it generally takes 30 business days for the reimbursement to be generated.

REPORTING REQUIREMENTS

Financial and Operating Data

All LOTS must submit financial and operating data to their MTA Regional Planner on a quarterly basis using two specific forms:

- Form B-2: Operating Budget Summary (Attachment 3.A)
- Form 2a: Service Performance Summary – Using the appropriate form for the type of LOTS:
 - Small Urban (Attachment 3.E.1)
 - Large Urban (Attachment 3.E.2)
 - Rural (Attachment 3.E.3)

If you are unsure which Form 2a to use, contact your Regional Planner.

These forms must be submitted as backup documentation with each Request for Payment, in print copy. Form 2a is required to be emailed as well. Data on all MTA grant programs, with the exception of Section 5310, must be provided on these forms. Note that these forms correspond to forms with the same numbers and titles in the annual grant application (ATP). To obtain the most current forms as an Excel spreadsheet, consult the latest ATP package in ProjectWise.

Form B-2: Operating Budget Summary

The quarterly Operating Budget Summary (Attachment 3.A) provides a detailed breakdown of the costs and funding associated with the Request for Payment.

- Each column must be completed if applicable to your transit system.
- The totals in these columns must match the totals on the Operating Request for Payment (Attachment 3.C) which Form 2a (Attachment 3.E.1, .2, or .3) accompanies as back-up documentation.
- Follow the instructions in the ATP package and your grant agreement for completing this form.
- Report eligible operating expenses according to line item.
- Attach footnotes as needed to provide additional explanation where expenses may not be self-explanatory.

Ineligible expenses are expenses relating to the transportation program that are not directly related to the daily operations of the program. Examples of ineligible expenses include expenses of a city council in considering transit matters; charitable contributions and donations; entertainment expenses; fines and penalties; interest expenses on loans; and depreciation accrued on facilities or equipment purchased with Federal and/or State grants.

Indicate all sources of local match funding.

Form 2a: Service Performance Summary

The quarterly Service Performance Summary (Attachment 3.E.1, .2, or .3) is intended to report basic operating information on the services provided for the quarter, and based on these data, performance indicators are required. These performance indicators will be calculated automatically, if you use the electronic version of the form that is provided by the MTA. It is important to use the appropriate form for your type of LOTS (small urban, large urban, or rural) because the range of “acceptable” performance measures is different for each type.

Operating Data

Definitions for the operating data required for the Service Performance Summary include:

- **Total passenger trips** -Each passenger boarding, including transfer boardings, is counted as one passenger trip,
- **Total service miles** - Calculated as miles from driver pull-out to driver pull-in, including deadhead mileage—data should be available from driver trip sheets and/or maintenance records,
- **Total service hours** - Calculated as the time from driver pull-out to driver pull-in, including deadhead time—data should be available from driver trip sheets),
- **Total operating costs** - Including administrative and maintenance costs),
- **Total farebox receipts** - Includes all cash and electronic fares, all proceeds from sale of paper or electronic fare media, discounts, tokens),
- **Other local operating revenue** - Including contract revenues, fare subsidies from local organizations, and local government support or contributions), and
- **Advertising revenue** -Any revenue earned from displaying advertising on your buses or in/on your shelters.

For Large Urban and Sections 5307 and 5311 services, report all information based on the service type (fixed-route, deviated fixed-route, or demand-response). Provide a name for each route and indicate whether the route is fixed-route, deviated fixed-route, or demand-response. The number of ADA passengers should be reported as a sum total. Count each trip, mile, hour, and dollar in only one program/route within the categories indicated. Performance measures will be calculated automatically. MTA performance standards are found in Attachment 3.F. An explanation of what each performance measure indicates is found in Appendix G. If you have any questions, contact your Regional Planner.

For LOTS that receive Section 5311 funds, the MTA submits rural data into National Transit Database (NTD). LOTS that receive Section 5307 funds must

also collect and submit annual data for the urban NTD program, which is described later in this chapter.

Safety data is required to be reported at the bottom of the Service Performance Summary form (ATP Form 2a large urban, small urban or rural Attachments 3.E.1, .2, or .3) for the Rural NTD. Required data on safety includes the number of fatalities, major incidents, and injuries. For purposes of this data reporting, the definitions for these three data elements are:

- **Fatalities** – A death or suicide confirmed within 30 days of a reported incident. Does not include deaths in or on transit property that are a result of illness or other natural causes.
- **Reportable event** – A safety or security event occurring on transit property or involving a transit revenue vehicle that results in one or more of the following conditions:
 - A fatality confirmed within 30 days of the incident,
 - An injury requiring immediate medical attention away from the scene for one or more persons,
 - Property damage equal to or exceeding \$25,000,
 - An evacuation for life safety, and/or
 - Collision involving a transit revenue vehicle that requires towing away the transit vehicle or other non-transit vehicle.
- **Injury** – Any physical damage or harm to individuals as a result of an incident that requires immediate medical attention away from the scene.

Note that fatalities or reportable events, as defined above, must be reported to MTA as soon as possible after the occurrence.

Rural NTD data on vehicle fleet size is reported annually as part of the ATP.

Performance Indicators and Performance Monitoring

As indicated above, the performance indicators are calculated on the Service Performance Summary form (2a – Small Urban, Large Urban, or Rural) which is submitted to MTA monthly, bimonthly, or quarterly. The performance indicators are used by the MTA in its performance monitoring program to meet several objectives:

- To ensure that resources are being used wisely, so that services are operated efficiently;
- To meet reporting requirements established through Federal and State mandates;
- To identify how well services are being provided to transit riders; and

- To obtain accurate information about services to support actions designed to improve performance.

MTA standards for the performance indicators are provided as Attachment 3.F. The MTA uses these standards in its review of each of the LOTS services. The performance indicators can also be used by the LOTS to review performance of the services operated under the various grant programs. Guidelines for interpreting the indicators as well as possible actions that might be considered to improve performance on the indicators are provided in Appendix G.

National Transit Database Requirements

Section 5307 recipients must submit an annual NTD report to the FTA. This report requires the submission of extensive financial, capital, and operations data. In addition, monthly reports must be submitted to the FTA by most Section 5307 recipients on the number of unlinked passenger trips, passenger miles traveled, vehicle revenue miles, vehicle revenue hours, vehicles operated in maximum service, and regular service days for each month.

A transit agency that operates no more than 30 vehicles in maximum service (across both directly operated and purchased service and demand-response as well as fixed-route service), and does not operate fixed guideway service, can apply for a Small Systems Waiver from the FTA . The Small Systems Waiver significantly reduces the NTD reporting requirements.

Each year, the FTA publishes an NTD reporting manual and conducts NTD seminars to train local transit agencies in how to compile and report the data, highlighting the changes made to the previous year's reporting requirements.

Section 5307-funded systems that do not qualify for the Small Systems Waiver are required to periodically collect passenger miles data, either through a 100 percent count if available and reliable, or through a statistically valid random sample.

- Section 5307 systems that directly operate at least 100 vehicles in areas with populations of 500,000 or greater must collect passenger miles data annually.
- Passenger miles data must be collected every three years by other Section 5307 systems (i.e., those that operate fewer than 100 vehicles, serve areas with populations under 500,000, or that contract for operations). Most Section 5307 LOTS operate fewer than 100 vehicles and therefore must collect passenger miles data every third year, with 2017 and 2020 as the next mandatory year.

The FTA publishes the compiled NTD, including information on an individual system level, on an annual basis for public use. Timely submission of complete

and accurate reports are not only required for continued Section 5307 funding, they will ensure that your agency is accurately represented in the national database.

More information about the NTD, including the most recent NTD Reporting Manual, data reports from previous years and information on the NTD seminars can be found on the FTA website at <https://www.transit.dot.gov/ntd>.

BUDGET MONITORING AND ADJUSTMENTS

Periodically during your budget year (at least quarterly, preferably monthly), you should check actual expenditures against budgeted expenditures (with annual amounts pro-rated according to the number of months into the year, and considering the number of operating days in each month). By doing this on a frequent basis, you will identify costs that exceed budgeted amounts early enough to prevent a financial crisis later in the year, and ensure continuation of service levels throughout the year. If costs in one area are higher than budgeted and cannot be reduced without cutting services (for example, fuel and oil due to rising market prices), you may be able to reduce expenditures in other less critical areas (such as travel to conferences) to make up the difference. If the difference cannot be made up in this way, you will need to find additional funding sources or may need to reduce the amount of service you provide (with corresponding reductions in staff size). This technique should also be applied at the end of the fiscal year. This analysis should provide a basis for developing your budget for the next year.

PERFORMANCE MONITORING

MTA Reports

The MTA compiles the information each LOTS reports on their operating and financial reports and prepares its own reports for performance monitoring of LOTS systems, Guidelines for interpreting the indicators as well as possible actions that might be considered to improve performance on the indicators are provided in Appendix G. Your MTA Regional Planner can help you interpret the performance measures for your agency and show you how to use them to evaluate services and monitor performance on an on-going basis.

Internal/Local Performance Monitoring

In addition to the MTA reports described above, your agency should track performance in other areas, such as customer satisfaction, reliability, safety, and efficiency and effectiveness of specific routes. Resources with guidance on developing and understanding transit-specific performance measures are provided at the end of this chapter under Additional Resources.

AUDITS

LOTS agencies must have an annual audit conducted by an independent auditor and submitted to the MTA Office of Local Transit Support (OLTS). You must arrange to have a copy of your audit report sent annually to the MTA.

All independent single audits (previously A-133 audits) need to be registered in the Federal Audit Clearinghouse, an electronic clearinghouse operated on behalf of the Office of Management and Budget (<https://harvester.census.gov/facweb/>). The deadline for this submission is either 30 days after receipt of the auditor's report(s), or nine months after the end of the LOTS fiscal year end date, whichever comes first.

Organizations that spend \$750,000 or more in Federal grant awards in a single fiscal year must conduct their annual audit in accordance with the Federal single audit requirements under 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," Subpart F—Audit Requirements. Often referred to as the "Super Circular," 2 CFR Part 200 superseded former OMB Circulars A-122 and A-133 as of December 26, 2014. Subpart F—Audit Requirements can be found online here: <http://www.ecfr.gov/cgi-bin/text-idx?SID=baf3bba1aab1f70d0c92dcef95b283bf&mc=true&node=sp2.1.200.f&rgn=div6>

In determining whether your organization meets the \$750,000 threshold, Federal grant awards from any Federal program, not just the FTA, count toward the threshold. Also, items purchased by the State for a subrecipient (e.g., Section 5310-funded vehicles) count towards the Federal threshold. However, the FTA does not require a Federally-compliant audit of a subrecipient when assistance is provided solely in the form of capital equipment procured directly by the State (although your other Federal funding sources may require it).

The MTA will notify LOTS annually of their independent single audit submittal requirements. If there are any audit findings, especially transit-related, the LOTS must resolve the finding(s) within 60 days of their receipt of the audit report. The MTA will follow-up with the LOTS to address the audit findings as part of the quarterly review process or through a finding specific scheduled meeting if the findings warrant such a level of review.

GRANT CLOSEOUT

Carry Over of Unexpended Funds

LOTS may not carry over unobligated funds under any of the other MTA-administered grant programs. A grant that has been inactive for a minimum of six months is a good candidate for closeout and subject to MTA deobligation of funds. MTA allocates all unexpended funds to other agencies.

Grant Closeouts

For MTA OLTS purposes, there are two grant closeout processes:

1. When the MTA closes out the grant with the LOTS (which in the eyes of the FTA is the subgrantee), and
2. When the MTA closes out the grant with the FTA.

The process outlined in this manual only speaks to the MTA-subgrantee (LOTS) relationship. An MTA/FTA grant may contain multiple projects that result in several different subgrantee awards. MTA/FTA grant closeout cannot occur until all projects are completed. Thus, an MTA-LOTS grant may be closed between the OLTS and LOTS and at the same time be considered “open” in context of the MTA-FTA relationship. The management and close out of the MTA/FTA grants is the responsibility of MTA Capital Programming and should not impact the OLTS’ grant closeout process with subgrantees.

All grants should be closed out on a timely basis. The MTA will initiate closeout of grants within 60 days after all funds are expended and/or all work activities for the project are completed. **Remember, you must keep all records related to your operating grants for a minimum of three years after its closeout (this includes time sheets).** Closing out your grants as early as possible minimizes your document storage needs.

Closeout Procedures for Operating Projects

Operating grants are issued for a fixed length of time, typically July 1 through June 30. Within 60 to 90 days (depending on grant language) of the end of the grant period (typically September 1), subrecipients must submit final payment requests and supporting documentation. Failure to meet this deadline may result in your payment request NOT being honored. Once a final payment request is received, the MTA will initiate grant closeout. The MTA will send a Final Operating Budget Statement (see Attachment 3.G) with a grant closeout letter (see Attachment 3.H). The subrecipient is responsible for reporting any disagreements with the information on this statement within 30 days of its issuance; otherwise, concurrence will be assumed. Once a grant has been closed out, the MTA will not honor additional payment requests that charge costs against that grant or line item which has been closed out.

Closeout Procedures for Capital Projects

After the capital item(s), for which the grant was awarded, are procured, and the subrecipient has been reimbursed for the capital expense, the MTA will initiate grant closeout. As part of their continuous and ongoing oversight of each subgrantee’s progress in implementing grant-funded projects, the MTA Regional Planner will monitor when a specific grant project is nearing completion. If you are in the final phases of a project and are requesting concurrence to make a final purchase, which will complete the project, you should state this fact in your concurrence request.

Once your MTA Regional Planner is made aware that you are in your final phases or have in fact already completed the project, they will initiate grant closeout. If concurrence has not been issued on final purchases, your concurrence letter will identify the purchase in question as the final purchase for which grant reimbursement payments will be honored by the MTA. If the MTA Regional Planner becomes aware that a project is nearing completion after the final concurrence letter is issued, the Regional Planner will develop a formal letter to the grantee indicating that the MTA will not honor further payment requests related to a specific grant and that the grant is closed (see Attachment 3.I).

Once you have been notified that a grant is closed, the MTA will not honor additional payment requests related to that specific project or purchase. Funds awarded to LOTS for capital items are directly linked to the specific capital items for which the award was made, and may not be used to purchase additional items. Once the items for which the grant was awarded have been purchased, any remaining funds in the grant revert to the MTA to be reallocated to other LOTS projects.

ADDITIONAL RESOURCES

Maryland State Management Plans for the Section 5311 and Section 5339 programs - available through MTA as well as through the TAM website - <http://taminc.org/Office-of-Local-Transit-Support>

The “**Super Circular**,” 2 CFR Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” - http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

Uniform System of Accounts - <https://www.transit.dot.gov/ntd/uniform-system-accounts-usoa>

FTA Circular C 5010.1D, “**Grant Management Requirements**,” last updated Aug. 2012 (Note: this circular is currently being updated to incorporate changes established under the “Super Circular”) - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/grant-management-requirements>

Comprehensive Financial Management Guidelines for Rural and Small Urban Public Transportation Providers, prepared for the North Carolina DOT, American Association of State Highway and Transportation Officials (AASHTO) Multi-State Technical Assistance Project (MTAP), and U.S. DOT/FTA (September 1992). Downloadable through the State Library of North Carolina Digital Collections - <http://digital.ncdcr.gov/cdm/ref/collection/p16062coll9/id/119548>

Fundamental Financial Management Training for Rural Transit Agencies, prepared for the National RTAP, AASHTO/MTAP, and U.S. DOT/FTA (2006) - <http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=191>

National Transit Database website - <https://www.transit.dot.gov/ntd>

Performance measurement and analysis resources from the Transit Cooperative Research Program (TCRP) and other resources are available through <http://tcronline.org>

- TCRP Report 54: *Management Toolkit for Rural and Small Urban Transportation Systems*
- TCRP Report 124: *Guidebook for Measuring, Assessing, and Improving Performance of Demand-Response Transportation*
- TCRP Report 136: *Guidebook for Rural Demand-Response Transportation: Measuring, Assessing, and Improving Performance*
- TCRP Report 165: *Transit Capacity and Quality of Service Manual*, 3rd Edition

Guidance for Transit Financial Plans, Federal Transit Administration - <https://www.transit.dot.gov/funding/funding-finance-resources/guidance-transit-financial-plans>

CHAPTER 3: SUMMARY CHECKLIST

- ❑ Establish sound accounting practices that allow for accurate allocation of expenses among grants.
- ❑ Maintain all financial records that support each grant, including allocation of costs, for a minimum of three years after closeout of the grant.
- ❑ Develop an annual expense-based budget and adjust based on grant awards.
- ❑ Allocate costs among grants and services using a cost allocation plan that has been approved by the MTA, and update the plan as required.
- ❑ Obtain approval from the cognizant Federal agency of your overhead rate before charging any overhead (indirect or shared administrative) costs to a grant.
- ❑ Ensure that adequate local cash match is available for all grants for which you apply.
- ❑ Keep required records on and report transactions related to non-fare revenues on a quarterly basis.
- ❑ Apply proceeds from sale of grant-funded transit assets toward capital expenses, but not as local match.
- ❑ Develop and submit a force account plan for work performed by your employees on projects funded by an FTA capital grant.
- ❑ Submit Requests for Payment for expenses incurred to the MTA on a monthly or quarterly basis within 30 days of the end of the month/quarter.
- ❑ Submit Forms 2a, B-2, Title VI, EEO Log, Charter Log, and Non-Fare Revenue Log to support each quarterly Request for Payment.
- ❑ Collect daily operating data needed to complete the quarterly Service Performance Summary (Form 2a) including rural NTD data.
- ❑ Submit annual urban NTD reports (Section 5307 recipients only).
- ❑ Monitor budget at least quarterly and adjust as needed; reconcile at the end of the year.
- ❑ Monitor your system's performance including financial and operating statistics, customer satisfaction, reliability, and safety.
- ❑ Have an annual audit conducted by an independent auditor; submit results to the MTA. If you spend at least \$750,000 in Federal funding in a single fiscal year, the audit must comply with Federal single audit requirements under 2 CFR Part 200.
- ❑ Close out grants within 60 to 90 days (depending on grant language) after all funds are expended and no more than three years after the original grant year.

4

PROCUREMENT AND CONTRACTING

This chapter summarizes the State and Federal requirements pertaining to procurement and contracting, including procurement practices and the clauses that must be included depending upon the type of contract involved. The chapter is divided into the following major sections:

- *Introduction*
- *General Procurement Requirements*
- *Federal and State Competitive Procurement Practices/Methods*
- *Alternative Approaches*
- *Providing for Full and Open Competition*
- *Requirements Pertaining to Vehicle and Equipment Purchases*
- *Requirements Pertaining to Other Types of Purchases*
- *Requirements Pertaining to Revenue Contracts*
- *Disadvantaged Business Enterprise (DBE)*
- *Contracting*
- *Additional Resources*
- *Summary Checklist*

It is important to emphasize that this chapter is not an all-inclusive reference on Federal and State procurement and contracting requirements. The Federal requirements are extensive, and FTA has prepared detailed guidance on these requirements. LOTS are advised to review FTA Circular 4220, "Third Party Contracting Guidance," carefully. This circular is updated periodically; at the time of preparing this manual, the most recent version is C-4220.1F, issued November 1, 2008, as revised through March 13, 2013. Additional resources include the FTA Best Practices Procurement Manual and the National Transit Institute's series of courses on FTA procurement requirements. Web addresses for information on these courses, FTA requirements, and additional references are listed at the end of this chapter.

All LOTS must consult with their MTA Regional Planner for any FTA- and/or MTA-funded purchases exceeding \$1,000 for purchases funded by capital grants and \$3,500 for purchases funded by operating grants.

INTRODUCTION

Federal and State requirements related to purchasing, procurement, and third-party contracting are intended to ensure that contracts that make use of Federal and State funds:

- Are consistently managed following locally established procedures that ensure compliance with State and Federal procurement requirements,
- Are not awarded to fraudulent, debarred, or technically unqualified vendors,
- Are cost-efficient and price consistent with the current market,
- Provide qualified vendors a fair opportunity to obtain contracted work through full and open competition (without local geographic preference),
- Do not discriminate against businesses owned by individuals of racial or ethnic minorities or women (i.e., comply with DBE requirements),
- Make preference for materials manufactured in the U.S. (i.e., complying with Buy America requirements), as applicable, and
- Include contract clauses that require contractors to comply with applicable Federal and State requirements.

As part of the annual grant application process, each LOTS certifies that its procurements and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA Circular 4220.1F, “Third Party Contracting Guidance.” This circular lays out the Federal requirements for selecting vendors to provide goods and services funded by FTA programs and outlines requirements for third-party contracting, including inclusion of contract clauses that address compliance with numerous pass-through requirements.

Applicants must certify that they will not discriminate on the basis of race, color, national origin, or sex in awarding contracts and sub-agreements supported by U.S. DOT funds, and will comply with DOT regulations, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs,” 49 CFR Part 26. DBE requirements are nondiscrimination requirements that apply to procurements made using Federal funds, and thus they are addressed briefly in this chapter along with the FTA procurement requirements, and in-depth in Chapter 13 - Nondiscrimination.

GENERAL PROCUREMENT REQUIREMENTS

MTA Concurrence

The MTA must concur with the LOTS solicitation documents prior to the initiation of the procurement process for all items or services purchased with operating, capital and technical assistance funds, as well as for all items purchased through small purchase,

sealed bids, competitive proposal, competitive negotiation, or noncompetitive negotiation. This includes approval of bid specifications for vehicles and equipment.

The MTA must also concur in writing with the recommendation for award prior to the execution of a local contract or purchase order valued more than:

- \$1,000 if capital grant funds are involved, or
- \$3,500 if operating grant funds are involved.

Should you fail to seek MTA's concurrence as described above, the MTA may not reimburse you for your procurement or may require you to re-procure the goods or services.

Procurement Responsibility

IMPORTANT: All local procurement activities are the responsibility of the local LOTS recipients.

All local procurement activities are the responsibility of the local LOTS recipients. Furthermore,

- The LOTS are responsible for complying with Federal, State and local requirements.
- The LOTS must have written procurement procedures and must follow their procedures.

Because of the scope and complexity of Federal and State procurement requirements, all LOTS are strongly urged to consult with their Regional Planner for guidance before engaging in any procurement activities that make use of Federal and/or State funds. However, **the responsibilities for procurement and compliance remain with the LOTS.** MTA concurrence indicates that, to the best of MTA's knowledge, a procurement process is compliant with State and Federal requirements. However, final and ultimate responsibility for ensuring a procurement is done in a manner that is FTA- and State-compliant rests with the LOTS.

Conformance with State and Local Law

The MTA requires that each LOTS have their own written procurement procedures as part of the organization's general business practices. If the LOTS is part of city or county government, these procedures have likely been established as part of local laws or policies, and there is a purchasing department within the government. Where Federal and/or State procurements do not apply, the LOTS must follow their locally-established procurement requirements for any purchase they make.

The LOTS should use their own procurement procedures that reflect applicable State and local laws and regulations, provided that the procedures conform to FTA Circular 4220.1F. If there is no local regulation on a Federally-required aspect of procurement, then Federal contract law principles will apply. For any Federally-funded procurement, if there is a conflict between a local procurement law/policy and any Federal procurement requirement, then the Federal procurement requirement will apply. The LOTS is responsible for ensuring compliance with all Federal, State and local procurement requirements.

Use of Local Procurement Procedures

The LOTS may use the procurement procedures of their jurisdiction as long as they conform to the minimum standards prescribed by the FTA and MTA, which are summarized in this chapter. In addition, the local recipient must maintain a contract administration system that ensures all procurements funded wholly or in part with MTA and FTA funds are done in accordance with State and Federal regulations.

The LOTS should follow the appropriate checklist of required steps involved in the procurement process located at the end of this chapter:

- Checklist for Competitive (Large) Procurements for projects exceeding State or local small procurement threshold (Attachment 4.A), or
- Checklist for Small Procurements for projects below State Category I, II, or III or local procurement threshold (Attachment 4.B).

The current State small procurement threshold is \$25,000. If the local threshold is lower than the State, this should be indicated in the LOTS written procurement policy and the LOTS should use the local threshold for determining when a formal competitive procurement is needed. However, all LOTS are reminded that MTA concurrence to award is required before the LOTS can award any purchase contract or purchase order valued more than \$1,000 for capital purchases or \$3,500 for operating purchases.

Written Employee/Organizational Standards of Conduct

As part of their written procurement policies, the LOTS must maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. These standards must prohibit employee conflict of interest in the selection, award, or administration of a contract supported with FTA assistance, the acceptance of gifts, gratuities, favors, or anything of monetary value from contractors or subcontractors, and provide for disciplinary action for violation of such standards. A sample of an employee code of ethics/conduct is provided as Attachment 4.C.

As part of their written procurement policies, the LOTS are also required to have a written code of conduct to mitigate potential organizational conflicts of interest. The FTA expects subrecipients to evaluate potential organizational conflicts of interest as

early in the procurement process as possible and to avoid, neutralize, or mitigate any potential conflicts found before contract award.

An organizational conflict of interest occurs when any of the following circumstances arise:

- Lack of impartiality or impaired objectivity – When the potential contractor is unable, or potentially unable, to provide impartial and objective assistance or advice to the LOTS due to other activities, relationships, contracts or circumstances it has with the LOTS.
- Unequal access to information – Where the potential contractor has an unfair competitive advantage through obtaining access to nonpublic information during the performance of an earlier contract with the LOTS.
- Biased ground rules – When during the conduct of an earlier procurement, the potential contractor has established the ground rules for a future procurement by developing specifications, evaluation factors, or similar documents.

LOTS would likely want to address organizational conflicts of interest as part of their rationale for procurement (see page 4-6) rather than waiting to receive bids which could be rejected for any of the reasons above. The FTA takes very seriously the requirement to avoid conflicts of interest in conducting procurements and awarding FTA-funded contracts, and any form of fraud can be prosecuted as a criminal act.

E-Commerce/Procurement Solicitation

The LOTS are required to conduct open and public solicitation of Federally/State-funded procurements. E-Commerce is an allowable means to conduct procurement solicitations. If a subrecipient chooses to utilize E-Commerce, written procedures need to be developed and in place prior to solicitation, and all requirements for full and open competition must be met in accordance with FTA Circular 4220.1F. The MTA encourages this method of solicitation. Other public solicitation requirements are enumerated later in this chapter under “Large Procurements.”

The State of Maryland administers an online procurement system called eMaryland Marketplace. MTA-funded LOTS procurements exceeding \$15,000 (Category III small procurements¹ and large procurements) must be advertised through eMaryland Marketplace as described later in this chapter. Smaller procurements (Categories I and II) are not required to be solicited through eMaryland Marketplace, although the MTA recommends this.

¹ Category I, II, and III small procurements are explained later in this chapter under “Small Procurements.”

Subrecipient Self-Certification

As part of the Annual Certification/Assurances, all LOTS subrecipients must "self-certify" that their procurement system meets FTA requirements and that the subrecipient has the technical capacity to comply with Federal procurement requirements. The MTA will monitor compliance with FTA and State procurement requirements as part of the triennial and LOTS compliance reviews (described in Chapter 3), as well as other monitoring activities. If the MTA becomes aware of circumstances that might invalidate a subrecipient's self-certification, MTA will investigate and recommend appropriate measures to correct whatever deficiency may exist.

Written Record of Procurement History

The LOTS must maintain records detailing the history of each procurement, and these should be kept in a procurement file for a minimum of three years after the FTA/ State grant that funded the purchase is closed out. At a minimum, such records must include:

For all procurements, regardless of value:

- Independent cost estimate (ICE),
- Rationale for method of procurement,
- Documentation of solicitation/outreach efforts,
- Documentation of price/cost analysis, and
- Documentation of award decision and contract/purchase order.

For each procurement valued more than \$3,500 (operating) and \$1,000 (capital):

- Debarment certification/ System for Award Management (SAM) search,
- Documentation of responsibility determination,
- Documentation of written solicitation documents (up to \$15,000 can be oral and/or written),
- Documentation of vendor's responses to solicitation,
- Documentation of written solicitation amendments, addendums, or contract changes, and
- DBE goal evaluation/analysis (see Chapter 13 - should be performed for all procurements (micro-purchases² or higher) but must be performed for any procurement over \$25,000).

² Micro-purchase and small procurements are explained later in this chapter under "Small Procurements." The Federal micro-purchase threshold is currently \$3,500.

Ensuring Most Efficient and Economic Purchase – Rationale for Procurement

The LOTS procedures must provide for a review of proposed procurements to avoid the purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Keep in mind, however, that it is prohibited to subdivide projects simply to avoid requirements that kick in above the micro-purchase threshold.

An adequate procurement system usually restricts the authority to initiate purchases to relatively few individuals. Also, all purchase requests typically would be reviewed and/or approved by one person, designated as the purchasing agent for a given department, in the case of large subrecipients, or for the entire organization, in the case of small subrecipients. The value of a purchase may determine the procedures that the subrecipient follows. The level of scrutiny would be expected to increase with the dollar value of the purchase. To ensure a LOTS is reviewing a proposed procurement to avoid unnecessary or duplicative purchases, the MTA requires submittal of a rationale for procurement which states the need(s) for the procurement, who is authorized to initiate and finalize/approve the procurement, and why the method of procurement was selected. The LOTS may incorporate/submit their rationale for procurement as part of the required Independent Cost Estimate discussed below.

Independent Cost Estimate (ICE)

A required first step in any procurement is to prepare an ICE which is:

- Necessary to determine the approximate cost of the project (which will determine whether the project will exceed the thresholds for MTA concurrence, micro-purchases, eMaryland Marketplace advertising, small procurements, etc.),
- An important step in developing a project's specifications, and
- Needed to determine if the LOTS has enough resources to conduct the project. In fact, the MTA expects the LOTS to prepare an ICE as a basis for each grant request.

ICE documentation must be maintained as part of the written record for every procurement regardless of amount. A sample ICE documentation form is provided as Attachment 4.D. The FTA *Best Practices Procurement Manual* provides guidance on how to prepare and document an ICE. (<https://www.transit.dot.gov/funding/procurement/best-practices-procurement-manual>).

If, based on the ICE, the LOTS determines that the project falls slightly under either the micro-purchase or small purchase limits, it is recommended that the LOTS “round up” and follow the more rigorous procurement method, to avoid the risk of having to do a second procurement, in case all the offers received exceed either threshold.

Cost or Price Analysis for Every Procurement Action

The LOTS must perform a price or cost analysis in connection with every procurement action, after receiving bids/offers but before awarding a contract or purchase. The method and degree of analysis is dependent on the facts surrounding the procurement situation. The LOTS must consider the following:

- In most procurements, a price analysis will be performed by the LOTS to determine the reasonableness of the proposed contract price. Where price is the main or sole determinant of a procurement action, the LOTS will conduct a price analysis of the proposals received and select the lowest cost proposal.
- A cost analysis is required under the following three circumstances: procurements which require that offerors submit detailed elements of direct and indirect costs; procurements where adequate price competition is lacking; and/or sole-source procurements.

The LOTS will be required to perform a price or cost analysis prior to award of any procurement. Such analysis must also be performed for the entire contract, including any options. LOTS must also conduct a price/cost analysis before exercising any options contained in the contract. Procurement actions specifically requiring a cost or price analysis include:

1. Independent Cost Estimate - An ICE must be prepared as an initial step in the process. This includes procurements that are ultimately piggybacked onto another organization's procurement.
2. Evaluating Options - The value of options must be considered as part of the total award immediately prior to making the award.
3. Evaluating Offers - A fair and reasonable price/cost analysis must be conducted immediately prior to making the award.
4. Exercising Options - A fair and reasonable price/cost analysis must be conducted prior to exercising options.
5. Change Orders - A fair and reasonable price/cost analysis must be conducted prior to making any changes to the contract.

The FTA "Pricing Guide for FTA Grantees" provides detailed guidance on conducting price and cost analyses. This resource can be downloaded from the following page on the FTA website at: <https://www.transit.dot.gov/funding/procurement/third-party-procurement/pricing-guide-fta-grantees>.

Awards to Responsible Contractors

For any procurement beyond a micro-purchase, and especially for large procurements, the LOTS may make awards only to responsible contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of a proposed procurement. This responsibility determination must be made prior to

contract award. The LOTS has a responsibility to validate that the contractor is in fact a responsible contractor and that their responsibility determination is contained in their procurement file. Depending on the size and terms of the procurement, the LOTS will need to consider responsibility factors such as:

- Does the contractor have the technical capacity to conduct the project? Factors to examine include corporate experience, technical skills and staff expertise assigned to the project, record of past performance and quality assurance practices.
- Does the contractor have the financial capacity to conduct the project? Factors to examine include adequate cash flow to conduct the work on a reimbursement basis, financial resources to perform the contract, and financial recordkeeping practices that ensure that only allowable costs are charged to a grant.
- Does the contractor have the capacity to carry out the terms of the contract? Factors to examine include the contractor's production capacity, performance record on prior or existing contracts of similar size and complexity, and ability to deliver goods or services according to the required delivery or performance schedules.
- Does the contractor have the necessary licensing or professional certification required to do the work (e.g., engineering or architectural)? Are they in compliance with tax laws and regulations?
- Does the contractor have a satisfactory record of integrity and business ethics? Are they in compliance with the public policies of the Federal government, including U.S. DOT Equal Opportunity Employment and Disadvantaged Business Enterprise requirements?
- Do subcontractors meet responsibility requirements? If the contractor includes subcontractors on the bid or proposal, the LOTS must also conduct a responsibility determination of the subcontractors.

Debarment, Suspension or Exclusion Determination

For every procurement, except micro-purchases, the LOTS are responsible to ensure that none of its contractors or subcontractors are suspended, debarred, ineligible, or voluntarily excluded from participation in Federally- or State-assisted procurements or contracts. The LOTS must perform an "excluded party" search prior to contract award, and documentation of conducting the "excluded party" search must be included in the LOTS' procurement file. LOTS must use the following sites/services to conduct their "excluded party" search:

- The Government Services Administration (GSA) System for Award Management (SAM) database (www.sam.gov) (required for Federally-funded procurements)
- The Maryland State government debarment and suspension list (<http://bpw.maryland.gov/Pages/debarments.aspx>)

Written Protest Procedures

The LOTS must have current written protest procedures in place prior to initiating procurement activities. LOTS protest procedures must be adequate to handle and resolve disputes relating to their procurements, and in all instances, LOTS must disclose information regarding protests to the MTA. LOTS protest decisions must be in writing and made by an authorized representative. A protester must exhaust all administrative remedies with the LOTS before pursuing a protest with the MTA. The MTA will focus on determining if the grantee followed FTA Circular 4220.1F and their local procurement procedure in an appropriate manner.

The LOTS written protest procedures must:

- Be included in solicitation documents,
- Identify how to file a protest, including format,
- Include the timeframe under which protests will be accepted, reviewed and responded to,
- Identify who will evaluate and respond to the protest, and
- Include an appeals process.

As a cautionary note, the LOTS cannot use the State's protest procedures specified in COMAR. The LOTS must establish and use their own policy that, if unable to be resolved at the local level, would next go to the court. Copies of all documentation related to protests should be on file (e.g., disclosure to MTA, written protest decisions, etc.).

Responsibility for Settlement of Contract Issues/Disputes

The LOTS are responsible for settling any contract issues, protests or disputes arising from their procurements, following their own locally-adopted protest procedures. The LOTS alone will be responsible in accordance with good administrative practice and sound business judgment for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

The MTA will not mediate contract disputes. The MTA will only address technical procedural issues related to compliance with Federal and State requirements (per FTA Circular 4220.1F and COMAR Title 21). Violations of the law will be referred to the local, State, or Federal authority having proper jurisdiction. If the procedures followed did not comply with Federal and State requirements, the MTA may withhold Federal/State funds until a fully-compliant procurement is conducted.

FEDERAL AND STATE COMPETITIVE PROCUREMENT PRACTICES/METHODS

Both the FTA and the State have established certain project cost thresholds above which certain competitive procurement practices must be used. In general, more

expensive projects require a more formalized procurement process to ensure fair competition and the best value, while vendors for less expensive projects may be selected through a relatively informal basis. Table 4-1 summarizes the procurement methods required by the FTA and State based upon the size and type of procurement, including the dollar thresholds that trigger more formal procurements. This table includes procurement methods applicable to Federal- and State-funded operating, capital, planning and technical procurements. It also indicates requirements and recommendations for DBE project goals (see Chapter 13) for each size of procurement.

It is important to note that State and Federal law prohibits artificial division of procurements in order to qualify for the small procurement method. However, Federal law encourages dividing larger procurements in order to provide greater opportunities for DBEs, small and minority firms, and women's business enterprises. Also, all LOTS are advised that they must follow or have available all procurement requirements previously discussed regardless of the size of their procurement.

Small Procurements

For procurements up to \$25,000 (State limit), the LOTS must solicit price or rate quotations from an adequate number of sources; the State requires at least two and preferably three quotes. For procurements up to \$15,000, the LOTS may utilize oral or written solicitation methods. For procurements over \$15,000, the LOTS must utilize written solicitation methods. Oral and written solicitations are described as follows:

- **Oral solicitation** – An oral solicitation means the procurement officer's oral description of the procurement to a vendor who reasonably may be expected to provide the required item. This is the least formal method of soliciting prices for goods or services, and it may only be used for Category I and II small procurements, as explained below (i.e., purchases up to \$15,000). Oral solicitations could be conducted as a verbal consultation by phone call or email, and the purchase must be documented by a receipt, invoice, repair order, packing slip, or voucher.
- **Written solicitation** - A "written solicitation" means the written description of the procurement that, at least three working days before responses are due, is posted on a bid board or published in a newspaper of general circulation or in eMaryland Marketplace. Written solicitations may be used for Category I and II small procurements (i.e., purchases up to \$15,000) and must be used for Category III small procurements (i.e., purchases over \$15,000 but less than \$25,000).

The State categorizes small procurements as follows, each with its own procurement guidelines:

Table 4-1: PROCUREMENT METHODS REQUIRED FOR LOTS

Amount of the Procurement	Method	Solicitation Methods Allowed	Basis for Award	DBE Project Goal **
Up to \$1,000 Capital and \$3,500 Operating *	Category I Small Procurement ("Micro-purchases")	Oral and/or written solicitation	Judgment of the procurement officer	Recommended
\$1,001 Capital and \$3,501 Operating up to \$15,000	Category II Small Procurement	Oral and/or written solicitation	Most favorable bid price or evaluated bid price, or most advantageous offer	Recommended
\$15,001 to 25,000	Category III Small Procurement	Written solicitation, which may be supplemented with oral solicitation, and which must be posted on the eMaryland Marketplace.	Most favorable bid price or evaluated bid price, or most advantageous offer	Recommended
more than \$25,000	Competitive Procurement-Invitation for Bid (IFB)	Bids are publicly solicited and firm fixed price contract (lump sum or unit price); requires complete specifications and formal solicitation. Must be posted on the eMaryland Marketplace.	Lowest price responsible bidder	Required
More than \$25,000	Competitive Procurement-Request for Proposal (RFP)	Proposals are publicly solicited and contract (fixed price or cost reimbursement). Requires formal solicitation and methodology for technical evaluation. Must be posted on the eMaryland Marketplace.	Technical proposal, price, and other factors as identified in the solicitation	Required
More than \$25,000	Architectural and Engineering Services (A&E)	Professional services are publicly solicited, and qualifications of offerors are evaluated without regard to price. Must be posted on the eMaryland Marketplace.	Price negotiation with most qualified offeror. Failing agreement on an acceptable price, negotiations with the next most qualified offeror.	Required
Only permissible under extremely rare circumstances	Sole Source	May only be used when award of contract by competitive means is infeasible and certain conditions are met.	After competition is determined inadequate, single source is solicited or offers a proposal.	Recommended up to \$25K, required over \$25K

*The Federal threshold for micro-purchases is lower for the following two types of projects: (1) For acquisitions of construction subject to the Davis-Bacon Act, \$2,000; (2) For acquisitions of services subject to the Service Contract Act, \$2,500. The State threshold for micro-purchases is \$3,500 for operating and \$1,000 for capital purchases.

**See Chapter 13.

- **Category I (Micro-purchases):** For capital purchases valued up to \$1,000 and operating purchases valued up to \$3,500 oral or written solicitation may be used. A written purchase order or contract is required if written solicitation is used. The LOTS is responsible for ensuring that the price is fair and reasonable, and is encouraged to distribute multiple purchases equitably among local qualified suppliers. The basis for the award should be the judgment of the LOTS procurement officer. Once a LOTS has identified a preferred vendor, MTA concurrence is required prior to the issuance of a purchase order or making the purchase. The LOTS are required to maintain a procurement file for all micro-purchases which meets the requirements previously listed (e.g., ICE Form, rationale for procurement, oral/written solicitation, price analysis, and contract receipt or purchase order documentation).
- **Category II:** For procurements more than \$1,000 (capital) or \$3,500 (operating) but not more than \$15,000, oral or written solicitation may be made. A written purchase order or contract is required for Category II small procurements. The LOTS must prepare and maintain a fully documented procurement file which meets all requirements listed on page 4-6. The LOTS must obtain MTA written concurrence prior to advertising their oral or written solicitation and prior to making their procurement award.
- **Category III:** For procurements more than \$15,000 but not more than \$25,000, written solicitation must be made (although it may be supplemented by oral solicitation), and the solicitation must be posted on the eMaryland Marketplace. The LOTS must prepare and maintain a fully documented procurement file which meets all requirements listed on page 4-6. LOTS must obtain MTA written concurrence prior to advertising their written solicitation and prior to making their procurement award.

Federal Clauses and Certifications

For procurements valued more than \$1,000 (capital) or \$3,500 (operating) but not more than \$15,000 (i.e., all but micro-purchases), you must convey to the vendor/contractor that the purchase is being made with State and/or FTA funds and that by fulfilling your purchase request, the vendor/contractor is agreeing to abide by all applicable Federal clauses and certifications. This is especially important for purchases made by means other than a formal bidding process (typically oral solicitations between \$1,000/\$3,500 and \$25,000). To achieve compliance in this area, the MTA requires the LOTS to:

1. Reference the fact that State/FTA funds are being used in the purchase solicitation or on the purchase order and that this requires the vendor/contractor to acknowledge and accept the applicable FTA clauses and certifications.
2. Go through the latest FTA checklist to determine the appropriate Federal clauses and certifications that apply to the LOTS' solicitation. Attachment 4.E provides a checklist of which Federal clauses and certifications apply to different types of contracts, current at the time this manual was published). You will be required to

submit your completed FTA checklist to your Regional Planner prior to requesting concurrence to award.

3. Physically attach the appropriate Federal clause and certification language to the purchase order or contract document prior to submitting it to the vendor. Attachment 4.F provides model FTA clause language. Do not include FTA clauses and certifications to the purchase document that do not apply (see step 2). A general reference to the vendor/contractor's acceptance of Federal clauses and certifications is not acceptable.
4. LOTS may not modify their own contracts or procurements after award to include Federal clauses and certifications so that they may make these contracts eligible for Federal funding. The LOTS may modify the State's GSA-type contracts to allow awarded vendors/contractors to accept applicable Federal clauses/certifications in order to make such GSA-type contracts eligible for Federal funding.

Large Procurements

Projects exceeding the small purchase threshold (\$25,000) must be procured through one of the methods described below (the most appropriate method is determined by the type of project). A checklist of steps required for large procurements is provided as Attachment 4.A.

- **Competitive sealed bid solicitation** (also known as invitation for bids or bid request) - Under this method of procurement, very detailed specifications are developed and bidders are essentially asked to provide a price estimate. This type of procurement is used for projects valued at \$25,000 or more which can be very clearly defined and measured (such as a construction project, manufacture of equipment, or commodities such as fuel, uniforms, and vehicle parts).
- **Competitive sealed proposal solicitation** (also known as request for proposals) - Under this method of procurement, scopes of service and desired outcomes are specified, and proposers are asked to define the tasks they propose to conduct to achieve the desired outcomes and to indicate the cost to complete the proposed project. This type of procurement is used for projects valued at \$25,000 or more for which specifications cannot be prepared that would permit an award based solely on price (such as the procurement of human, social, cultural, or educational services, and real property leases).

For these procurements, the LOTS has an obligation to conduct a solicitation to an adequate pool of potential qualified vendors. The appropriate geographic reach of the solicitation will vary with the type of project and the degree of specialization of the product or technical expertise needed. For example, in soliciting bids to construct concrete improvements at bus stops, an advertisement in the local newspaper and on the eMaryland Marketplace may be adequate. However, soliciting bids for passenger shelters would require a broader reach, since transit shelters are a special type of

product that may not be available locally from an adequate number of sources. In this case, the LOTS should at least send the bid solicitation to the major shelter manufacturers in the nation, or consider advertising in a regional or even a national publication (such as *Passenger Transport* or the classified section of CTAA's website). Other types of projects that would warrant a broader search include bus manufacture, transit technology, planning studies, and transit operations and management. The LOTS are encouraged to develop and maintain lists of potential offerors to whom bid or proposal solicitations should be mailed in addition to classified advertising.

Under Maryland procurement regulations, counties, municipalities, and other public entities issuing soliciting bids for which the offered amount is reasonably expected to exceed \$25,000 must publish the invitation in eMaryland Marketplace at least 20 days before the deadline to submit offers. Invitations between \$15,001 and \$25,000 must be published in eMaryland Marketplace at least three days before bids or offers are due.

Also, for each solicitation above \$25,000, LOTS are required by the MTA to establish a goal for DBE participation (discussed later in this chapter and in more depth in Chapter 13 - Non-Discrimination).

Invitation for Bid (IFB)

An IFB, also known as the Bid Request or Sealed Bid method, is the method of procurement used when price is the primary factor in selecting a contractor. An IFB is typically used for construction projects and other capital projects that have clear-cut specifications.

Sealed bids are publicly solicited. The State requires that sealed bids be publicly solicited a minimum of 20 days in advance (30 days is preferred) on the eMaryland Marketplace.

The responsible bidder with the lowest price is awarded a fixed-price contract. At least ten days in advance of submitting the proposed contract award to the MTA for concurrence, notification must be made to bidders of an intent to award a contract contingent upon MTA approval. Upon approval by the MTA, the LOTS then enters into a firm, fixed-price contract with the successful bidder.

Request for Proposal (RFP)

An RFP, also referred to as the Competitive Proposal method, is the method of procurement used when factors other than price are important in the selection of the chosen contractor. An RFP is typically used to procure management, operations, maintenance, planning, software, and other consulting services, and is the State's preferred method for the procurement of human, social, cultural, or educational services, and real property leases. **This is not an MTA recommended method for rolling stock purchases**, and the LOTS will be required, as part of its rationale for procurement, to submit justification why an RFP process is being used to procure rolling stock.

As with IFBs, the State requires that proposals be publicly advertised a minimum of 20 days in advance (30 days is preferred). LOTS RFP solicitations must be advertised so to ensure an adequate number of vendors can respond. From a LOTS perspective, this means that RFPs will be advertised on a regional or statewide basis. At least ten days in advance of submitting the proposed contract award to the MTA for concurrence, notification must be made to proposers of an intent to award a contract contingent upon MTA approval. Upon approval by the MTA, the LOTS then enters into a firm, fixed-price contract with the successful proposer.

In determining which proposal is most advantageous, the LOTS may award (if consistent with State law) to the proposer whose proposals offer the greatest business value to the LOTS based upon an analysis of a tradeoff of qualitative technical factors and price/cost to derive which proposal represents the “best value” to the procuring agency. “Best value” is a selection process in which proposals contain both price and qualitative components, and award is based upon a combination of price and qualitative considerations. Qualitative considerations may include such factors as: technical design, technical approach, quality of proposed personnel, delivery time frames, quality of business proposal, and/or management plan. The award selection is based upon consideration of a combination of technical and price factors to determine (or derive) the offer deemed most advantageous and of the greatest value to the procuring agency. If the subrecipient elects to use the best value selection method as the basis for award, however, the solicitation must contain language which establishes that an award will be made on a “best value” basis, and the LOTS must enumerate the criteria or evaluation factors that will be used in the selection process and indicate the relative importance that each factor has towards the award decision.

Additional Procurement Methods Specific to Facilities Development

- ***Architectural and Engineering Services (A&E)*** – This Federally-defined method is used only for the procurement of services that require performance by a registered or licensed architect or engineer, such as services that are directly connected to planning, NEPA documentation, design, construction, alteration, or repair of real property.

Under this method, professional services are publicly solicited, and qualifications of offerors are evaluated without regard to price. Once the most qualified offeror is identified, the subrecipient engages in price negotiations with that offeror. Failing agreement on an acceptable price, negotiations with the next most qualified offeror are conducted until a contract award can be made to the most qualified offeror with an acceptable price.

- ***Design-Bid-Build*** – The FTA allows subrecipients to procure design-bid-build services through means of sealed bidding or competitive negotiations. The design-bid-build procurement method requires separate contracts for design

services and for construction. This approach commissions an architect or engineer to prepare drawings and specifications under a design services contract, and separately contracts for at-risk construction, by engaging the services of a contractor through sealed bidding or competitive negotiations. For design services, A&E qualifications-based procurement procedures are used, while the actual construction, alteration, or repairs of real property are competitively procured.

- **Design-Build** – The design-build procurement method consists of contracting for design (A&E) and construction with a single contract award to a single contractor, consortium, joint venture, team, or partnership that will be responsible for both the project's design and construction.

Prior to issuing a design-build solicitation for a project that involves State funding, the LOTS is required to prepare a written determination justifying the use of the design-build method. Guidance on how to structure justification may be found in the criteria outlined in COMAR Title 21:

<http://www.dsd.state.md.us/comar/getfile.aspx?file=21.05.11.02.htm>

Because both design and construction are included in a single procurement, the LOTS should use the procurement method appropriate for the services having the greatest cost, even though other necessary services would not typically be procured by that method. For example, if construction would be the predominant cost, an IFB would be used, whereas if design services would be the predominant cost, A&E qualifications-based procurement procedures would be used.

Procurement by Negotiated Award after Unsatisfactory Competitive Sealed Bidding

Under State procurement regulations, a negotiated award may be made if, after bids have been opened, all bids are rejected consistent with compliant procedures (for reasons that include costs exceeding available funds or determination that all prices are unreasonable and any delay resulting from a resolicitation under revised specifications or quantities under competitive sealed bidding would be fiscally disadvantageous or would not otherwise be in the best interest of the LOTS).

Important note: This procurement strategy is probably the most challenging procurement process to justify and document. Only under extremely rare conditions will the MTA approve this process.

Noncompetitive Negotiation (Sole Source)

While not as challenging as a negotiated award, this is also an extremely difficult and challenging procurement process that will be hard to justify.

If a procurement is not feasible under any of the above procedures, the LOTS may negotiate with a single source if the item is only available from a single vendor, the urgency for the item will not permit a delay characteristic of competitive solicitation, or after solicitation of a number of sources, competition is determined to be inadequate. Noncompetitive negotiation is also referred to as “sole source” procurement.

This type of procurement may be used if the item to be purchased is an associated capital maintenance item that is procured directly from the original manufacturer or supplier of the item to be replaced. The subrecipient must first certify in writing to the MTA that such manufacturer or supplier is the only source for such item, and that the price of such item is no higher than the price paid for such item by like customers. A cost analysis is required for all sole source procurements, and it is the LOTS responsibility to prove that there is truly only one vendor qualified to conduct the project. If more than one vendor can provide the same product, or a compatible product, it is not considered a sole source and must be competitively awarded.

Receipt of Single Offers

A competitive procurement (following IFB or RFP procedures) that receives only a single bid or proposal would not necessarily be considered a sole source procurement. However, the LOTS has the responsibility to document that they followed their established, compliant procurement process, including, importantly, adequate public notice and outreach. Further, the LOTS must conduct a cost estimate before awarding the contract to ensure that the cost is fair and reasonable.

Again, this is an extremely rare circumstance, and the LOTS will be required to obtain documentation from non-bidders indicating their rationale for not participating (obtained, for example, through a formal written letter to non-bidders, follow up with a phone call or email).

ALTERNATIVE APPROACHES

Intergovernmental Procurement Agreements

The LOTS are encouraged to utilize available State and local intergovernmental agreements for procurement or use of common goods and services. When obtaining goods or services in this manner, subrecipients must ensure all Federal requirements, required clauses, and certifications (including Buy America) are properly followed and included, whether in the master intergovernmental contract or in the subrecipient's purchase document.

Subrecipients are also encouraged to jointly procure goods and services with other subrecipients. When obtaining goods or services in this manner, subrecipients must

ensure all Federal requirements, required clauses, and certifications are properly followed and included in the resulting joint solicitation and contract documents.

To ensure that a joint procurement is conducted in a Federally-compliant manner, the LOTS must:

1. Create a complete procurement file that fully documents the procurement and which agency will administer the contract. All participating LOTS must document their binding commitment to the procurement.
2. Validate that the contract was awarded consistently with local policies, allowing for full and open competition.
3. Issue a separate purchase order for items being purchased with FTA funds and attach Federal clauses, terms and conditions to the purchase order before presenting it to the vendor (see Attachments 4.E and 4.F). The purchase order should specifically reference that the purchase was made with FTA terms, and the attached terms and conditions apply.
4. Obtain MTA review and concurrence if the purchase order exceeds \$1,000 for capital grant-funded projects or \$3,500 for operating grant-funded projects.

Pass-through Agreements with Public Agencies

If the LOTS is a public entity (part of city or county government), agreements that pass-through grant funds to other divisions within the same public entity are not considered third-party contracts. Examples of pass-through subrecipients include a county motor pool providing maintenance to a county department of transportation, and a county department of transportation operating transit services under contract to a county department of aging. Because the initial grant agreement is executed with the county commissioners (rather than the department director), the county government is considered the subrecipient. It is important to note that each division under this arrangement is subject to the same requirements as the original subrecipient, including following Federal and State procurement requirements should they enter into a third-party contract.

Pass-through agreements that involve multiple entities (e.g. county to county, county to city, etc.), which are often encouraged from a coordination standpoint, will be reviewed by the MTA on a case-by-case basis as to the applicability of third-party contracting requirements.

Options

The LOTS may include options as part of contracts. Any options to be included must be defined as conditions of time (as in multi-year contracts), quantity (as in number of units to be procured) and/or as additional desired services or equipment (as in radios for bus procurements). Any and all options requested must be included in the original project specifications and evaluated as part of the bid or proposal. The number, type and cost

of any options must be included in the ICE, and all options bid, including the cost of all options bid, must be considered when determining the award and the total project cost.

To exercise an option outside of the original contract award, it must be in accordance with the terms and conditions of the original contract awarded, and must be determined to be economically advantageous. Another price/cost analysis will be required prior to exercising any future options to ensure that the costs are still reasonable at the time the option is exercised. **The MTA's concurrence is required prior to exercising the future option.**

Federally-funded contracts for rolling stock or replacement parts for rolling stock may not exceed five years, including option extension periods. All other types of contracts should be based on sound business judgment and the LOTS' local procurement practices.

Assignment of Contractual Rights

Subrecipients may assign contractual rights to purchase goods and services to other LOTS if the original contract contains appropriate assignability provisions, though the FTA does not encourage this practice. The LOTS who obtain these contractual rights (commonly known as "piggybacking") may exercise them after first determining the contract price remains fair and reasonable.

Piggybacking

"Piggybacking" is an assignment of existing contract rights to purchase supplies, equipment, or services. Piggybacking is permissible when the solicitation document and resultant contract contain an assignability clause. This is a clause that provides for the assignment of all or a portion of the specified deliverables as originally advertised, competed, and evaluated. For example, in procuring new buses, a LOTS may include a clause that allows the assignment of purchasing rights of a portion of the vehicles contracted for by another organization.

If these rights are assigned to another organization, the other organization is limited to purchasing only those items specified in the original procurement. Changes may only be made through a contract change order, as authorized through a changes clause in the contract. A "cardinal change" which would go beyond the original scope is not permitted. In procuring vehicles, the FTA considers substitution of major end items or vehicle type (e.g., changing from standard floor to low floor) to be cardinal changes. On the other hand, changes to seating, fabrics and colors, exterior paint schemes, signage, floor covering, and other similar changes are permissible.

For piggybacking to be permissible, the original procurement and the contract award must specify a maximum total number of items to be purchased under the contract. Assigning a portion of the purchasing rights does not result in the purchase of a greater total number of items than was specified in the original contract. Further, if the supplies were solicited, competed and awarded using an indefinite-delivery-indefinite-quantity

(IDIQ) contract, then both the solicitation and contract award must contain both a minimum and maximum quantity that represent the reasonably foreseeable needs of the party(s) to the solicitation and contract. If two or more parties jointly solicit and award an IDIQ contract, then there must be a total minimum and maximum.

The organization using assigned contract rights is responsible for ensuring the contractor's compliance with FTA's Buy America requirements and execution of all the required pre-award and post-delivery Buy America review certifications.

The previous edition of the FTA *Best Practices Procurement Manual* included a worksheet for use in determining whether piggybacking onto another organization's contract might be permissible. The worksheet is provided as Attachment 4.G. If a LOTS desires to use a piggyback procurement, the LOTS must complete and submit their ICE form, a rationale for procurement explaining why the piggyback is desirable and usable, and the worksheet. This material must be submitted to your Regional Planner. If approved, it is to be maintained in the LOTS procurement file for any goods or services a LOTS purchases using MTA or FTA funds through the organization's piggyback contract.

The MTA requires the following submissions from the LOTS when reviewing a request to use MTA and/or FTA funding to make a non-rolling stock purchase through a piggybacking arrangement:

- The original bid and all addendums,
- The original bidding process,
- A letter stating permission to piggyback (including the quantity, when appropriate),
- A list of bidders,
- The process for award selection, and
- Verification that there were or were not bid protests.

Submittal requirements are significantly greater for rolling stock piggybacks. The LOTS must confer with their Regional planners for such procurements.

Tag-ons

The use of "tag-ons" is prohibited and applies to the original buyer (contract holder) as well as to others who may be seeking to purchase off the contract. A "tag-on" is defined as the addition of work (supplies, equipment, or services) that is beyond the scope of the original contract that amounts to a cardinal change as generally interpreted in Federal practice by the various boards of contract appeals.

Tag-on vs. Piggyback Example

Company A awards a contract for 100 buses. Company B wants to buy ten buses through Company A's contract.

- If those ten buses are added on to Company A's original contract of 100, for a total of 110 buses, this is called a tag-on. The FTA prohibits this practice.
- If those ten buses are included within Company A's original contract of 100, so that the total number of buses purchased under this contract is still 100, this is called piggybacking. This practice is permitted by the FTA; however, it means that Company A can now only purchase 90 vehicles for themselves under this contract.

Restrictions on Time and Materials Type Contracts

Under no circumstances should a LOTS enter a "time and materials" type of contract without prior MTA approval. These types of contracts may only be allowed after a determination that no other type of contract is suitable, and if the contract specifies a ceiling price that the contractor shall not exceed except at its own risk.

PROVIDING FOR FULL AND OPEN COMPETITION

The LOTS procurements must provide for full and open competition for all procurements. Subrecipients must conduct procurement transactions in a manner providing full and open competition, following the appropriate process described in the next section. Subrecipients are prohibited from restricting competition in Federally-supported procurement transactions. Some situations that restrict competition include, but are not limited to: unreasonable qualification requirements, unnecessary experience requirements, excessive bonding, noncompetitive pricing practices between firms, noncompetitive awards to firms on retainer, organizational conflicts of interest, "brand name" only specifications, or any arbitrary action in the procurement process.

Prohibition Against Geographic Preferences

The LOTS must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. This does not preempt State licensing laws. However, geographic location may be a selection criterion in procurements for architectural and engineering (A&E) services provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Written Procurement Selection Procedures

The LOTS must have written selection procedures for procurement transactions. These procedures must ensure that all solicitations incorporate a clear and accurate description of the material, product, or services being procured as well as identify all requirements that the offerors must fulfill and all other factors to be used in evaluating bids or proposals. Descriptions must not contain features that unduly restrict

competition. Detailed product specifications should be avoided. “Brand name or equal” descriptions should be avoided unless it is impractical or uneconomical to make a clear and accurate description of the technical requirements.

Prequalification Criteria

If a LOTS requires prospective bidders to prequalify, it must ensure that all lists of prequalified individuals, firms, or products that are used in acquiring goods and services are current and include enough sources to ensure maximum full and open competition. Also, LOTS shall not preclude potential bidders from qualifying during the solicitation period (from the issuance of the solicitation to its closing date).

Specifying “Brand-Name-or-Equivalent” and “Approved Equals”

In procuring some items, such as electronic systems, you may not be able to specify a component in terms of design or performance and still ensure that your lowest responsive and responsible bidder will offer you a satisfactory product. If it is impractical or uneconomical to make a clear and accurate description of the technical requirements, it may be appropriate to specify in your procurement solicitation only a particular brand name and/or to allow the substitution of equal items for a brand name item. In this case, a brand name or equal description may be used in your procurement as a way to define the performance or other salient characteristics of a procurement. However, it is important to note that this is not the FTA or MTA preferred approach.

Whenever brand names are used, the LOTS must clarify that the brand name is used merely as a specification and not as a statement of a preference for a specific product by including a phrase such as “or equal,” “or approved equal,” or “similar in design, construction and performance” with the brand name.

When specifying a brand-name-or-equivalent, the specific features of the named brand that must be met by offerors must be clearly stated. **The brand-name-or-equal description should set forth the salient physical, functional, or other characteristics that an equal product must have to meet your needs.** If the LOTS must specify a brand name, the LOTS must first certify in writing to the MTA/FTA that such manufacturer or supplier is the only source for such item and that the price of such item is no higher than the price paid for such item by like customers. This certification can be supplied as part of your ICE form or as early as possible in the procurement process but no later than the LOTS’ specification development process.

You may want to include in your solicitation documents a list of items or services that have been approved by the procuring agency as equal to the brand name item originally specified. In this case, the items on the “approved equal” list must have the salient characteristics or qualities that are essential to ensure that the item can be used as intended.

Approved Equal Approval Process

As part of its bid or RFP solicitation development process, the LOTS must have a process in place to review and rule on any requests for substitutions. You will use this process to determine that the offered product is equal in all salient characteristics to the brand name product referenced. Within the period specified in the bid solicitation, the request for approved equals and response must be granted within the time specified in the solicitation. Failure to comply will result in a non-responsive bid that will not be acceptable for award. The solicitation documents must specify:

- The deadline (time and date) for submitting request,
- To whom and where to file,
- Format for requesting approval of equal brands, and
- The LOTS' timeline and format for response.

You should approve requests for substitution whenever you determine that the offered product is equal in all material respects to the products referenced. You will typically inform potential bidders of your determination by identifying the specific products that the contractor is to furnish, including any brand name, make or model number, and descriptive material. You must issue any approved determination to all potential bidders by addendum (or such other notification processes as required by your procurement procedures).

It is the LOTS responsibility to disseminate information about approved equal requests and the disposition of those requests in a manner that is timely enough to allow other bidders to adjust their bids prior to the bid submittal deadline.

Use of Liquidated Damages In Contracts

The LOTS are allowed to use liquidated damage clauses in their contracts when there is a reasonable expectation of damages (defined as increased costs on the project involved) from late completion of the project or similar circumstances where the extent or amount of such damages would be difficult or impossible to determine. Liquidated damages may not be punitive. They may not be used to impose a penalty or limit or restrict competition, or used in situations where delayed performance will not adversely affect the LOTS. The rate and measurement of liquidated damages must be specified in the solicitation and contract documents. The procurement file must include a record of the calculation and rationale for the amount and type of liquidated damage clauses assessed. Any liquidated damages collected must be credited back to the LOTS transit project account involved.

REQUIREMENTS PERTAINING TO VEHICLE AND EQUIPMENT PURCHASES**State or Local Vehicle Procurements**

The MTA conducts centralized vehicle procurements and intends to procure vans, small buses, and medium-sized buses on behalf of the grantees. However, if the MTA does not have an active contract, vehicle procurement will be considered on a case-by-case basis. The MTA can also procure larger buses for the LOTS; however, as MTA procurement may entail additional time delays, most LOTS prefer to procure larger buses themselves.

State or Local Equipment Procurements

All equipment that is not installed on vehicles, including maintenance equipment and computer hardware and software, must be procured locally. Equipment to be installed on vehicles after delivery from the factory (for example, mobile radios) must be procured locally.

The LOTS may add optional equipment (for example, wheelchair lifts, registering fareboxes, electronic display boards, passenger counting equipment, and securement devices) to their rolling stock procurement, but the optional equipment must be factory-installed and must be part of the vehicle specifications subject to all procurement requirements discussed in this chapter. Factory-installed optional equipment must be included in the vehicle procurement solicitation, must be evaluated as part of technical and price/cost analysis, and must be part of the total contract award for the LOTS to be able to exercise any option in the contract.

- If a LOTS chooses to participate in the MTA's central procurement and opts for standard factory-installed options, this equipment would be procured as part of the MTA vehicle procurement. Specialized equipment is not always available through the MTA procurement; the LOTS is limited to the standard equipment options that are outlined in the annual grant application.
- Similarly, if a LOTS procures vehicles locally, factory-installed equipment would generally be included in the vehicle procurement as an option, and funding would generally be included as part of the LOTS' grant award. When available, the LOTS are encouraged to purchase equipment to be installed in a vehicle by exercising available options.
- If a LOTS does not include either factory-installed equipment in its procurement specifications or as part of its grant award, it may not procure this equipment as part of its rolling stock procurement. Funding for this equipment must be applied for separately from the vehicle in the annual grant application, and, unless it is to be factory-installed, the equipment must be procured by the LOTS under a separate procurement process from the vehicle.

General Rolling Stock Delivery Timeline

As a rule of thumb, LOTS' large vehicle procurements (which are a local responsibility) typically take at least 18 months to complete (from MTA concurrence with the solicitation document until vehicles can be put into service). The LOTS should be aware that development of rolling stock IFB or RFP solicitation documents usually takes an additional 4 to 6 months from submittal of the LOTS' ICE form. Therefore, the total bid/RFP time process for large vehicle procurements, from start of specification writing to vehicle delivery, is likely to be 24 months. The total time of the process to procure medium-size vehicles will take from 16 to 24 months depending on the MTA or the LOTS procurement processes and staff experience. Small MTA-procured vehicles typically take 12 to 16 months for the same vehicle procurement process.

Contract Term Limitation

The LOTS may not enter into any contract for rolling stock, or replacement parts for rolling stock with a period of performance exceeding five years inclusive of time period options. All other types of contracts (including supply, service, leases of real property, revenue, and construction) should be based on sound business judgment and your local procurement requirements. FTA regulations do not prescribe contract limits. The LOTS are expected to be judicious in establishing and extending contract terms no longer than minimally necessary to accomplish the purpose of the contract. Additional factors to be considered include competition, pricing, fairness, and public perception. Once a contract has been awarded, an extension of the contract term length that amounts to an out of scope change will require a sole source justification.

Bus Model Testing Requirements

New model buses and modified vans and existing models with significant changes must be tested at the FTA-sponsored test facility originally in Altoona, Pennsylvania, and pass the test, before they are eligible to be purchased with Federal funds. New models using alternative fuels must also be tested. The LOTS must receive a copy of the passing test report on the bus model before the final acceptance of the first vehicle. The LOTS are responsible for getting and reviewing a copy of the **entire report**, not just the executive summary, and the LOTS must now certify that the bus models submitted to Altoona received a passing score.

LOTS should get a copy of the Altoona testing report as early as possible in the vehicle procurement. Testing reports can be obtained online at <http://www.altoonabustest.com/> or by contacting the Altoona Bus Research and Testing Center, 2237 Old Route 220 North, Duncansville, PA 16635, Phone: 814-695-3404, Fax: 814-695-4069. Information in the reports may be useful to subrecipients when they are writing bid specifications.

This requirement does not apply to unmodified mass-produced vans, including vans with raised roofs, wheelchair lifts, or ramps that are installed in strict conformance with the original equipment manufacturer guidelines.³

Buy America

Important note: Buy America applies to other projects beyond rolling stock, including but not limited to building construction.

Procurements are subject to Buy America provisions for FTA-funded purchases over \$150,000 (regardless of whether they involve capital, operating, or planning funds) involving steel, iron, and manufactured products (except for microcomputer equipment including software and small purchases). The \$150,000 threshold is based on the value of the procurement, not the price of the item. For example, a purchase of four vehicles that totals \$160,000, even though each vehicle costs \$40,000, must follow the Buy America procedures.

The requirements apply to subcontractors, regardless of the size of their contract, if the prime contract is more than \$150,000. The requirements apply when a subrecipient uses an intergovernmental agreement or otherwise jointly purchases manufactured products. Subrecipients are required to pass the requirements down to management or service contractors when the contractor is making FTA funded procurements on the subrecipient's behalf.

Pre-Award and Post-Delivery Audits

The LOTS that procure FTA-funded passenger vehicles, other than sedans or unmodified vans, must conduct pre-award audits of manufacturers selected to furnish vehicles purchased under the procurement contract. The purpose of the pre-award audit is to ensure that the manufacturer intends to, and is capable of, complying with Buy America requirements (described above), applicable Federal Motor Vehicle Safety Standards, and the LOTS Purchaser's Specifications (which include these requirements). LOTS will be required to complete a **pre-award** Buy America, FMVSS, and Purchaser's Specifications Certification for each audit requirement.

³ As defined on the FTA website (<https://www.transit.dot.gov/research-innovation/interpretations-definitions>, as accessed March 2017): "Unmodified mass-produced van means a van that is mass-produced, complete and fully assembled as provided by an OEM. This shall include vans with raised roofs, and/or wheelchair lifts, or ramps that are installed by the OEM, or by a party other than the OEM provided that the installation of these components is completed in strict conformance with the OEM modification guidelines."

FTA wishes to clarify that this exemption historically assumed that unmodified mass-produced vans would only be offered in the 4-year, 100,000-mile service life category. Unmodified mass-produced vans are categorically exempted from testing by the Bus Testing Regulation only in the 4-year, 100,000-mile service life category; unmodified mass-produced vans offered in the 5-year, 150,000-mile (or higher) service life category are subject to testing."

During manufacture, the LOTS must monitor the manufacturing processes for compliance with these requirements, and following vehicle delivery, a **post-delivery** audit must be conducted by the LOTS. LOTS will be required to again certify that a post-delivery audit was conducted to ensure that Buy America, FMVSS and Purchaser's Specifications requirements were met.

Depending on the Federal funding program, procurements of more than ten (or 20) vehicles require an in-plant inspection to determine compliance. This inspection is the responsibility of the LOTS unless they are purchasing through the MTA statewide bid. The MTA conducts inspections for procurements of vehicles of all sizes, and may be able to assist the LOTS in this process upon request. If you would like MTA assistance in this process, you need to advise the MTA when requesting funding for the vehicle(s). For more information, see FTA's *Conducting Pre-Award and Post-Delivery Audits for Bus Procurements* (<https://www.transit.dot.gov/regulations-and-guidance/buy-america/conducting-pre-award-and-post-delivery-audits-bus-procurements>) and 49 CFR Part 663 (Pre-Award and Post-Delivery Audits of Rolling Stock Purchases).

Pre-Award Review (Before Contract Award)

As part of any applicable rolling stock procurement, the FTA sub-grantee/LOTS needs to obtain certification from bidders that demonstrate intent to comply with Buy America requirements. The LOTS needs to include a clause citing the Buy America requirement in its IFB or RFP. A Buy America certification should also be included. There are different certifications required for procurements of rolling stock and procurements of other steel, iron, or manufactured products. The specific text for each is contained in 49 CFR Part 661, specifically §661.6 – “Certification requirements for procurement of steel or manufactured products” and §661.12 – “Certification requirement for procurement of buses, other rolling stock and associated equipment.”

For vehicles, the pre-award review, which is conducted before the order is placed, includes the following certifications:

- Buy America parts,
- Buy America assembly,
- Federal Motor Vehicle Safety Standards, and
- Purchaser's specifications.

The FTA grantee/LOTS is then required to review the vendor's Buy America and other submissions, verify that the vendor's bid appears to comply with the Buy America and other requirements, and sign a certification to this effect before awarding the contract. This certification becomes part of the procurement documentation that the LOTS is required to submit to MTA for concurrence with the award.

If the contractor certifies that it does not comply with the Buy America requirements, then the LOTS would need to request, receive, and retain a waiver from the MTA/FTA before FTA funding could be used in the procurement.

Post-Delivery Review Requirements

After the vehicle has been manufactured, and before payment is made, the FTA grantee/LOTS is required to:

- Obtain documentation from the manufacturer of actual component content and review actual component content to ensure that the vehicle meets the minimum Buy America domestic content requirement:
 - 60 percent for Federal FY 2017 grants and earlier grants,
 - 65 percent in Federal FY 2018 and 2019, and
 - 70 percent in Federal FY 2020 and beyond.
- Check that the final assembly location is in the United States and the manufacturer's final assembly activities meet certain requirements.
- Have an on-site inspector for all rail car procurements and bus procurements of:
 - More than ten vehicles in large urbanized areas (population over 200,000).
 - More than 20 vehicles in rural and small urbanized areas (population 200,000 or fewer).

The inspector must verify that the actual manufacturing processes are consistent with the information provided by the manufacturer prior to the contract award. If the on-site inspector requirement is triggered, all vehicles ordered under the contract are subject to on-site inspection which must include a report providing accurate records of all vehicle construction activities documenting how the construction and operational characteristics of the vehicles met the contract specifications. If the contract provides for delivery of multiple options over different time intervals (such as ordering ten buses each year for five years), the LOTS must provide a post-delivery audit with on-site inspection for each order.

If the manufacturer has met the requirements and manufactured the vehicle consistently with the information provided by the manufacturer prior to the contract award, the FTA grantee/LOTS signs a Post-Delivery Buy America Certification that the domestic content, final assembly location and final assembly activities requirements are met. This certification must be submitted to the MTA along with the Request for Payment for the vehicle (as described in Chapter 3).

The post-delivery reviews below must be conducted for each vehicle order before acceptance of the title to any vehicle is made or any vehicle in the order is placed in revenue service:

- Buy America parts and assembly,
- Purchaser's specifications (that is, do the vehicles meet the contract specifications),
- Federal Motor Vehicle Safety Standards, and
- LOTS/procuring agency's vehicle inspection and road test documentation for each vehicle delivered.

If the contractor did not comply with the Buy America requirements, then the LOTS would need to request, receive, and retain a waiver from the FTA to receive reimbursement for the purchase.

More information about complying with Buy America requirements can be found on the FTA website at <https://www.transit.dot.gov/regulations-and-guidance/buy-america/buy-america>.

DBE Certification by Transit Vehicle Manufacturers

Vehicle procurements are subject to special DBE requirements and can be found later in this chapter, as well as in Chapter 13.

REQUIREMENTS PERTAINING TO OTHER TYPES OF PURCHASES

Facilities Development

There are numerous Federal and State requirements pertaining to facilities development that are discussed in Chapter 7. Buy America requirements, described under "Requirements Pertaining to Vehicle and Equipment Purchases," also apply to construction projects over \$150,000. Additionally, there are two requirements that apply to all Federal-funded construction contracts valued more than \$2,000:

- **Copeland "Anti-Kickback" Act** - All Federally-funded construction contracts over \$2,000 must include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by the Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). This Act prohibits subrecipients and contractors from inducing any individual employed in the construction, completion, or repair of public work to give up any part of the compensation to which he is otherwise entitled and

requires reporting of all suspected or reported violations to the Federal awarding agency.

- **Davis-Bacon Act** - The Davis-Bacon Act is a Federal law that provides wage protection for non-government construction workers. It requires the payment of prevailing wages and fringe benefits to laborers and mechanics engaged in Federally-funded construction projects valued at more than \$2,000. All covered contracts must contain a wage determination issued by the Secretary of Labor per Department of Labor regulations (29 CFR Part 1, "Procedures for Predetermination of Wage Rates"). Prevailing wages vary for rural and metropolitan areas. Overtime pay (time and a half) is required when a work week exceeds 40 hours. Existing wage rates for all areas of the State are available through the MTA.

If your plans include a Federally-funded facilities development project, be sure to review all of the requirements summarized in Chapter 7, and consult with your Regional Planner to determine the requirements that apply to your specific project.

Materials and Supplies

Purchases of materials and supplies that make use of Federal or State funds are subject to standard procurement requirements. To the extent practicable and economically feasible, the LOTS using Federal funding must provide a competitive preference for products and services that conserve natural resources, protect the environment, and are energy efficient. Preference for recycled products is required under 2 CFR Part 200, § 200.322.

Service Contracts

Service contracts and purchases that make use of Federal or State funds are subject to standard procurement requirements. This includes administrative services (legal, accounting, and insurance) as well as vehicle operations and maintenance.

Technology

Technology purchases, including computers, software, communications technology, and Intelligent Transportation Systems (ITS) projects are subject to the standard procurement requirements for any purchase involving the FTA or State funding.

ITS projects funded by the FTA and MTA are subject to planning requirements and standards, including conformance with ITS National and Regional Architecture, which are discussed in Chapter 2. These requirements and ITS architecture review approval must be met before the LOTS may procure and acquire any ITS system or products.

REQUIREMENTS PERTAINING TO REVENUE CONTRACTS**What is a Revenue Contract?**

Revenue contracts are those third party contracts whose primary purpose is to either generate revenues in connection with a transit-related activity, or to create business opportunities utilizing an FTA-funded asset. The objective of revenue contracts is to lower the LOTS program costs, and thereby reduce both the Federal and local financial contribution. Creative ways of generating these revenues are encouraged by the FTA. Examples of LOTS revenue contracts include leasing the right to sell advertising space on vehicles, or bus shelters or leasing space within a transit facility to a concessions vendor or a ticket agent for a private bus company.

Third party contracts with a primary purpose to procure supplies or services are not revenue contracts. Royalties received as a by-product of a development or supply contract, e.g. software, would not be considered a revenue contract. Disposal of property would be another example that would not be considered a revenue contract.

Requirement for Competitive Procurement

The FTA allows subrecipients broad latitude in determining the extent and type of competition appropriate for a revenue contract. Nevertheless, to ensure fair and equal access to FTA assisted property and to maximize revenue derived from such property, if there are several potential competitors for a limited opportunity (such as the right to lease advertising space on the side of a bus), then the LOTS must use a competitive process, such as an RFP or IFB, to permit interested parties an equal chance to obtain that limited opportunity. The LOTS are advised to use the checklist provided, Attachment 4.H, to determine when to use a competitive procurement for revenue producing contracts. The LOTS may not enter into a revenue producing contract without first contacting their Regional Planner.

Unsolicited proposals may come forth when companies see an opportunity to use the transit system to enhance their business interest. It may appear from such proposals that no other company could offer the same product or service. However, this does not justify a sole source contract. If the idea or activity is of interest to you, the concept should be evaluated on its own merit and revenue producing potential. If the decision is to implement it, then a competitive process should be used to select the contractor, unless you determine that the proposed concept itself is proprietary.

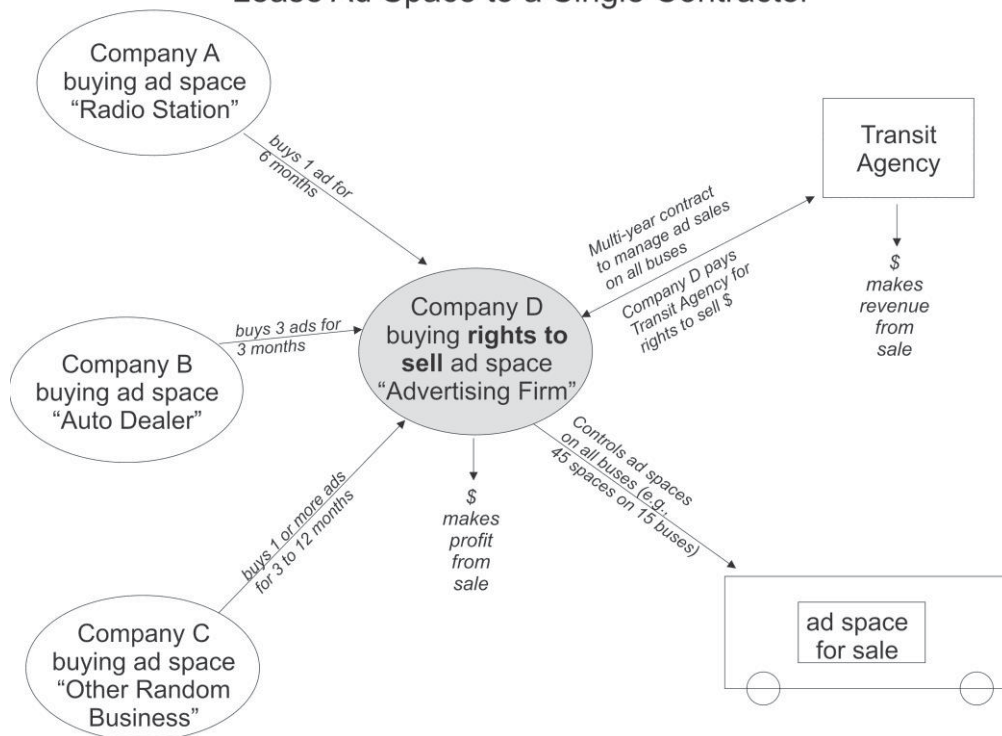
If, however, one party seeks access to a public transportation asset, and the recipient is willing and able to provide contracts or licenses to other parties similarly situated, then competition would not be necessary because the opportunity to obtain contracts or licenses is open to all similar parties.

To help clarify when sale of advertising space requires competitive procurement, two examples are provided.

Applicability of Procurement Requirements for LOTS that Directly Lease Advertising Space (as Compared to Contracting with an Advertising Company to Lease this Space)

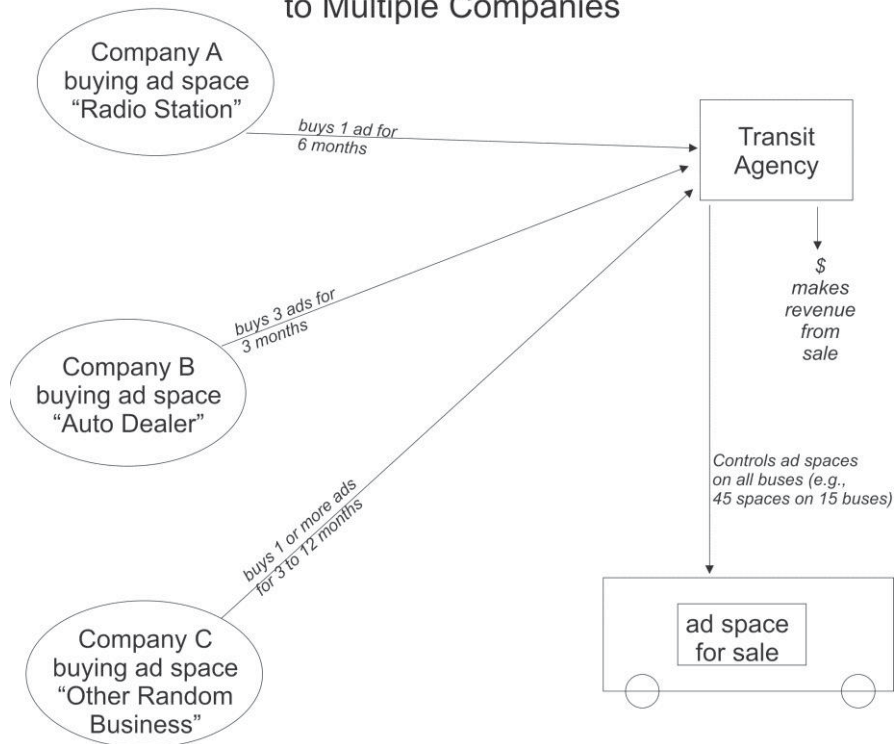
The requirement for a competitive procurement process always applies when a LOTS seeks to contract out the right to lease space to a single contractor, who then leases advertising space on their vehicles to multiple companies (see Figure 4-1).

Figure 1: LOTS Contracts Out the Right to Lease Ad Space to a Single Contractor



Some LOTS operate their own in-house program to directly lease advertising space on their vehicles to multiple companies (see Figure 4-2). Under this scenario, there is no specific requirement for due diligence in terms of finding “competition” among prospective advertisers.

Figure 2: LOTS Directly Leases Advertising Space to Multiple Companies



However, if an organization approaches a LOTS with an unsolicited offer to purchase an advertising space on the side of a bus, the LOTS has an obligation to do an ICE to validate that the \$1,000 is a fair and equitable price for the ad space.

Further, in the unlikely event any one advertiser seeks to pay the LOTS more than \$25,000, the LOTS should seek guidance from the MTA before entering into the contract.

Finally, the LOTS should include any expenses and “contracting opportunities” in their annual calculations when determining if they need to set an overall agency DBE goal and set a project-specific DBE goal for any contract where revenue is expected to exceed \$25,000. If the revenue is expected to exceed \$50,000, MTA must approve the goal.

Requirement for DBE Participation in Revenue Producing Contracts

DBEs should have the maximum opportunity to participate in both revenue contracts and subcontracts that use any Federal funds. The grantee is responsible for taking all necessary and reasonable steps to ensure that DBEs have maximum opportunity to compete for revenue contracts since these contracts are considered business opportunities.

The LOTS should include any expenses and contracting opportunities, including the full estimated value of revenue contracts, in their annual calculations when determining if

they need to set an overall agency DBE goal. If revenues are projected to be over \$25,000, a project-specific DBE goal must be set. If revenues are projected to be over \$50,000, then the goal must be sent to the MTA Procurement Review Group (PRG) for review and approval (see page 4-39 and Chapter 13).

Independent Cost Estimate

The LOTS are required to prepare an ICE, including estimating total revenues to be derived from the contract.

FTA Requirement Flow-Down

Generally, if Federal funds (not assets) are not used to generate revenues, then there are no requirements to include Federal clauses and certifications in the revenue contract itself. If Federal funds will be used in the contract (i.e., payments will be made to the contractor), the procurement must include FTA clauses.

Financial Management of Revenue Contracts

Proceeds from revenue contracts must be applied back to the operating budget as operating revenue. Proceeds from revenue contracts may not be used as local match on operating grants in the year they were earned, or for capital items.

The LOTS are also required to follow all non-fare revenue accounting and reporting requirements found in Chapter 3 under “Non-Fare Revenue Requirements.”

Additional FTA Guidance on Revenue Contracts

FTA Third Party Procurement FAQs on Revenue Contracts

<https://www.transit.dot.gov/funding/procurement/third-party-procurement/revenue-contracts>

FTA Best Practices Procurement and Lessons Learned Manual (page 40)

<https://www.transit.dot.gov/funding/procurement/best-practices-procurement-manual>

DISADVANTAGED BUSINESS ENTERPRISE

DBE requirements for Maryland LOTS, while summarized in the following paragraphs, are provided in detail in Chapter 13.

The DBE requirements are designed to ensure that businesses owned and controlled by socially and economically disadvantaged individuals, including Minority Business Enterprises (MBEs) and Women’s Business Enterprises (WBEs), are given fair opportunity to participate in Federally-funded contracts.

Project-Specific Goals for All Procurements over \$25,000

The MTA requires that all LOTS establish individual DBE project goals for procurements over \$25,000, and this goal must be approved by the MTA Office of Equal Opportunity Compliance Programs. A DBE project goal is the percentage of participation in a single contract for which your organization aspires to work with DBE contractors. All third-party contracts over \$25,000 must also include provisions for DBE participation in subcontracts. When a DBE participates in a contract, only the value of the work performed by the DBE is counted toward DBE goals. A contract clause must require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment you make to the prime contractor. For procurements of \$50,000 or more, DBE project goals must be approved by the MTA Office of Equal Opportunity Compliance Programs as well as the MTA Procurement Review Group (PRG). The PRG only meets infrequently so the LOTS must schedule their DBE program goal review well in advance with their Regional Planner.

The LOTS may use the State's list of DBE-certified firms. For procurements using State funds, the LOTS should use the MTA DBE goal and process for soliciting DBE participants during the procurement process.

MTA review and approval of project-specific DBE goals is included in the concurrence process for all procurements over \$50,000.

DBE Certification by Transit Vehicle Manufacturers

The LOTS must require that each Transit Vehicle Manufacturer (TVM), as a condition of being authorized to bid on their transit vehicle procurements funded by the FTA, certify that it has complied with the DBE requirements of 49 CFR 26.49. This requirement must be included in the LOTS' bid/RFP specification documents.

Only those TVMs listed on the FTA's DBE-compliant certified list of TVMs are eligible to bid. The LOTS must require each TVM, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with DBE requirements.

Further, FTA subrecipients are required to submit to the FTA, within 30 days of making an award, the name of the successful bidder and the total dollar value of the contract. Because the MTA is responsible for these reports on behalf of the LOTS, the LOTS must provide this information to the MTA in writing within 30 days of their contract award.

More information is available at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/transit-vehicle-manufacturers-tvms> as well as in Chapter 13.

Formal DBE Program for LOTS Meeting FTA Threshold

Under Federal regulations, if you receive \$250,000 or more in FTA planning, capital (not counting transit vehicle purchases), and/or operating assistance in a State fiscal year, you must have an approved DBE program. The requirement includes:

- Establishment of an overall DBE goal for annual contract participation by disadvantaged businesses (the percentage of participation in contracts for which your organization aspires to work with DBE contractors during the course of the full year).
- Development and maintenance of a directory of DBE-certified firms to be notified when competitive procurements are advertised. In the listing for each firm, you must include the firm's address, phone number, and the types of work the firm has been certified to perform as a DBE. You must revise your directory at least annually and make updated information available to contractors and the public on request. The LOTS may use the MTA DBE directory rather than creating their own individual directories.

More information on DBE requirements is available in Chapter 13 as well as at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/disadvantaged-business-enterprise>.

CONTRACT MANAGEMENT

Contract Administration System

Each LOTS must maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

Contract Documentation

Any LOTS procurement utilizing Federal or State funds requires a paper trail, as described earlier in this chapter under "Written Record of Procurement History." At the minimum, there must be a purchase order, a receipt, or a written contract. Each LOTS purchase order or written contract must reference Federally-required contract clauses and attach a copy of those clauses to the purchase order or contract.

Clauses Your Contracts Must Include

Attachment 4.E outlines Federally-required contract clauses and notes under what kinds of contracts they apply. Attachment 4.F provides model contract clauses for Federal requirements.

The National Rural Transit Assistance Program's web-based ProcurementPRO application (<http://www.nationalrtap.org/Web-Apps/ProcurementPRO>) is another source of model FTA clauses.

Third-Party Contract Responsibilities Regarding Compliance with Federal and State Requirements

Most of the Federal and State requirements regarding the use of LOTS grant funds that apply to the primary recipient of LOTS grants (your organization) also apply to your third-party contractors, subcontractors, and/or lessees. This includes requirements such as drug and alcohol testing for safety-sensitive positions, possession of a valid CDL by mechanics that test-drive vehicles calling for CDLs, and meeting all ADA service requirements.

The Federal and State requirements that pertain to those grants funding your contract with the third party should be clearly spelled out in the contract, and you are responsible for ensuring that your contractor complies with them. As described in Chapter 3, you must also monitor Federally-funded procurements of the private contractor's procurement process to ensure Federal requirements are met. Subcontractors to the contractor must also sign a series of certifications and assurances and forward them to the LOTS.

Service Contracts

Service contracts must comply with FTA Circular 4220.1F and State procurement regulations, including DBE goal-getting.

When is Contracting for Service Recommended?

Contracting is recommended when it is economically advantageous and/or when the LOTS does not possess the expertise, staff resources, equipment resources, or facilities to perform the service. Management, operation of service, vehicle maintenance, drug and alcohol testing, planning studies, facilities design and engineering, and graphic design services are typical functions that a rural or small urban transit system may find advantageous to outsource. Should a LOTS engage in contracting of services, it must develop written procedures for contract administration, train and assign staff in contract administration responsibilities, evaluate contractor performance, and document how contractor charges and payments are managed and recorded.

The FAST Act provides for clarification and encouragement of capital leasing arrangements in lieu of purchases, and encourages the capital leasing of zero emission vehicle components, particularly power sources. FTA Circular 5010.1E includes this clarification on pages IV-30 through IV-33 (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e>).

Many excellent resources have been developed to assist public agencies in contracting for transit service operations and maintenance. A number of these resources, including examples of actual contracts, are listed at the end of this chapter.

Rate Structures for Operations Contracts

Contracts for service operations can be built on a variety of rate structures. These include:

- Per hour
- Per vehicle mile
- Per passenger mile (demand-responsive services only)
- Per passenger trip
- No shows
- Fares collected by the contractor

Your rate structure should address whether “deadhead” or non-revenue hours or miles are included, and if so, whether they are charged at a different rate than revenue service. Penalties for poor service delivery (such as late service and missed trips) should also be built into the rate structure. Your rate and payment structure must be managed and documented.

Capital Cost of Contracting

Service contracts funded by Section 5307 or Section 5311 that include vehicle maintenance and/or vehicle lease functions are at least partially eligible for reimbursement as a capital expense (thereby requiring a lower local match). The FTA has established standards for the capital percentage of various types of contracts, detailed in Table 4-2. A subrecipient may request that a higher percentage of their contract be considered capital; justification is required.

Table 4-2: Capital Cost of Contracting for Federally-Funded Projects

Type of Contract	If the transit service is operated by the:	And the vehicles are maintained by the:	And the vehicles are owned by the:	Then the percent of the contract which is eligible for capital funding is:
Service Only	Contractor	Subrecipient	Subrecipient	0%
Service/Lease	Contractor	Subrecipient	Contractor	10%
Service/Maintenance	Contractor	Contractor	Subrecipient	40%
Service/Lease/Maintenance ("Turnkey")	Contractor	Contractor	Contractor	50%
Lease Only	Subrecipient	Subrecipient	Contractor	100%
Maintenance Only	Subrecipient	Contractor	Subrecipient	100%
Maintenance/Lease	Subrecipient	Contractor	Contractor	100%

Quality Control Safeguards

Your contract should include quality control safeguards to ensure satisfactory performance of the contractor, with penalties if performance standards are not met. For example, incidents where the contractor exceeds an allowed window of lateness (such as more than 15 minutes late for a pickup), or a scheduled trip is not delivered, a fee should be deducted from the contractor's invoice.

The LOTS may not use liquidated damages as a substitute for other contract performance measures. The LOTS are required to maintain a contract administration system to ensure that they and their contractors comply with the terms, conditions and specifications of their contracts and purchase orders. LOTS are encouraged to use other methods to incentivize or enforce contractor performance rather than liquidated damages.

For service operations contracts, it is important to establish customer complaint reporting and resolutions procedures. For example, you may want customers to direct their complaints initially to the contractor, and if they are not resolved to the customer's satisfaction by the contractor, the customer should then contact your agency. On the other hand, you may want customers to contact you directly so that you have a better indication of the kinds of problems your customers are

experiencing. However, this approach is likely to involve more staff time in your agency.

If the contractor collects fares, you will need to require adequate cash handling procedures and documentation to ensure that all fares collected are credited to your program.

On-Going Contract Management

Your contract must require documentation of costs incurred and/or services performed to support invoices. The FTA will not fund payments to a contractor prior to the incidence of costs by the contractor without prior concurrence. When progress payments are made, the LOTS must obtain title to property for which the progress payments are made. Contractors providing service should submit reports to you with their quarterly or monthly invoices that include the following data as a minimum:

- Passenger trips provided (with any trip purpose or passenger type breakdowns needed to complete your operating statements for the MTA)
- No-shows
- Cancellations
- Revenue vehicle miles
- Revenue vehicle hours
- Fares or tickets collected by type
- Any other units built into the rate structure
- Service disruptions
- Vehicle breakdowns
- Accidents/incidents
- Passenger complaints
- Any other data required for your reporting and monitoring needs
- Complaints (by type, particularly for civil rights complaints)

The data above will be necessary for the LOTS to complete required NTD reports, Title VI analysis and other reports as documented throughout this manual.

ADDITIONAL RESOURCES

Federal Regulations and Resources

FTA Circular C 4220.1F, Third Party Contracting Requirements -
<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/third-party-contracting-guidance>

FTA Best Practices Procurement and Lessons Learned Manual -
<https://www.transit.dot.gov/funding/procurement/best-practices-procurement-manual>

FTA Online Tools and Resources for Procurement -
<https://www.transit.dot.gov/funding/procurement/online-tools-resources>

FTA Frequently Asked Questions: Third Party Procurement -
<https://www.transit.dot.gov/funding/procurement/third-party-procurement/third-party-procurement-faqs>

FTA Procurement Self-Assessment Guide -
<https://www.transit.dot.gov/funding/procurement-system-self-assessment-guide>

FTA Buy America Webpage -
<https://www.transit.dot.gov/regulations-and-guidance/buy-america/buy-america>

FTA DBE Webpage -
<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/disadvantaged-business-enterprise>

National Transit Institute (NTI) Procurement for Small and Medium Transit Systems – 2-day overview course -
<http://www.ntionline.com/procurement-for-small-and-medium-transit-systems/>

NTI Orientation to Transit Procurement – 4-day foundation course -
<http://www.ntionline.com/procurement-series-i-orientation-to-transit-procurement/>

NTI Bus Procurement Workshop -
<http://www.ntionline.com/bus-procurement-workshop-2/>

49 CFR Part 26--Participation by Disadvantaged Business Enterprises (DBE) in Department of Transportation Financial Assistance Programs -
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

49 CFR Part 661--Buy America Requirements -
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr661_main_02.tpl

49 CFR Part 663--Pre-Award and Post-Delivery Audits of Rolling Stock Purchases -
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr663_main_02.tpl

49 CFR Part 665--Bus Testing -

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr665_main_02.tpl

FTA Third Party Procurement FAQs on Revenue Contracts -

<https://www.transit.dot.gov/funding/procurement/third-party-procurement/revenue-contracts>

National RTAP ProcurementPRO application -

<http://www.nationalrtap.org/Web-Apps/ProcurementPRO>

National RTAP “How to Buy a Vehicle” Training Module (2010) -

<http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=262>

National RTAP MAP-21 Updates (2013) for the “How to Buy a Vehicle” Module -

<http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=885>

APTA Standard Bus Procurement Guidelines (2013) – sample RFP -

[http://www.apta.com/resources/reportsandpublications/Documents/APTA%20Bus%20Procurement%20Guidelines%20\(June%202013\).docx](http://www.apta.com/resources/reportsandpublications/Documents/APTA%20Bus%20Procurement%20Guidelines%20(June%202013).docx)

APTA Sample contract outline for Invitation for Bid – Materials -

http://www.apta.com/about/governance/committees/procure/Documents/materials_ifb.pdf

APTA Sample contract outline for Invitation for Bid/Request for Proposal – Services -

http://www.apta.com/about/governance/committees/procure/Documents/services_ifbrfp.pdf

APTA Sample outline for Request for Proposal – Bus Purchase -

http://www.apta.com/about/governance/committees/procure/Documents/rfp_bus_contract_outline.pdf

APTA In-Plant Inspection for Bus Procurements Recommended Practice (2011) -

<http://www.apta.com/resources/standards/Documents/APTA-BTS-II-RP-001-11.pdf>

CTAA/National RTAP Vehicle Procurement Technical Assistance Brief (2001) –

http://web1.ctaa.org/webmodules/webarticles/articlefiles/rtap_vehicleproc.pdf

State Regulations

Code of Maryland Regulations (COMAR) Title 21, State Procurement Regulations -

http://www.dsd.state.md.us/comar/subtitle_chapters/21_Chapters.aspx

Resources from Other State Transit Programs

Arizona Section 5311 Capital Procurement Handbook -
<https://www.azdot.gov/docs/default-source/planning/capitalprocurementhandbook.pdf?sfvrsn=2>

Iowa Model Protest Procedure -
http://www.iowadot.gov/transit/joint_participation/020088.pdf

Wisconsin Procurement Manual for the Acquisition of Goods and Services Under Federal Transit Administration Grant Programs -
<http://wisconsindot.gov/Documents/doing-bus/local-gov/astnce-pgms/transit/procurement.pdf>

Wisconsin Invitation for Bid (IFB) Procurement Toolkit -
<http://wisconsindot.gov/Documents/doing-bus/local-gov/astnce-pgms/transit/procurement/ifb.pdf>

Wisconsin Request for Proposals (RFP) Procurement Toolkit -
<http://wisconsindot.gov/Documents/doing-bus/local-gov/astnce-pgms/transit/procurement/rfp.pdf>

CHAPTER 4: SUMMARY CHECKLIST

- ❑ Develop and follow your own written procurement procedures that comply with Federal and State requirements.
- ❑ Obtain MTA approval for all grant-funded operating expenditures exceeding \$3,500 and all capital expenditures exceeding \$1,000.
- ❑ Obtain MTA concurrence on all competitive procurement solicitations and awards.
- ❑ Determine most appropriate procurement method for your project based upon the dollar amount, the nature of the project, and Federal and State accepted practices.
- ❑ Take advantage of MTA expertise in developing your bid package/RFP.
- ❑ Take into consideration that large vehicles typically take at least 18 months to procure, once MTA has approved the bid request.
- ❑ Vehicle procurements only: comply with Federal Bus Model Testing requirements.
- ❑ Vehicle procurements only: comply with Pre- and Post-delivery Audit requirements.
- ❑ Procurements for steel, iron, and manufactured products (including those used in construction) over \$150,000 only: comply with Buy America requirements.
- ❑ Facilities development procurements: comply with facilities development requirements outlined in Chapter 7.
- ❑ Include contract options if appropriate.
- ❑ Follow competitive procurement practices for awarding revenue contracts exceeding small purchase threshold.
- ❑ Establish individual DBE project goals for all procurements over \$25,000 and obtain MTA approval for those \$50,000 or more. (See Chapter 13.)
- ❑ Establish an approved DBE program (required for all Maryland LOTS; Federally required if you receive \$250,000 or more in FTA planning, capital, and/or operating assistance in a Federal Fiscal Year). (See Chapter 13.)
- ❑ Include required Federal and State clauses in your contracts.
- ❑ Ensure that operating and maintenance subcontractors also comply with applicable Federal and State requirements including drug and alcohol testing, CDL, and ADA compliance.
- ❑ For operations contracts, select the most appropriate rate structure for the type of service to be provided. Be sure to address details such as deadhead miles, no-shows, fare collection, on-time performance, penalties for poor performance, and customer complaint resolution in your contract.
- ❑ Require documentation to support contractor requests for payment. Submit requests for payment to the MTA only for costs that have already been incurred.

5

FARES AND FARE CHANGES

This chapter summarizes fare requirements and options, and public notification requirements for implementing a fare change. The following topics are addressed:

- ***Determining Fare Structures and Prices***
- ***Special Fare Requirements***
- ***Fare Media Options***
- ***Requirements Associated with Changing Your Fares (Public Comment Period, Public Notice, and Nondiscrimination)***
- ***Secure Fare Collection and Cash Handling Procedures***

All LOTS are required to establish a written fare policy, offer reduced fares on fixed-route services for seniors and individuals with disabilities, provide opportunity for public comment as part of planning any fare increases, and provide public notice in advance of fare changes. All LOTS must have written procedures for obtaining comments in a public forum prior to fare changes. In addition, all LOTS are expected to follow sound cash handling procedures for fares to minimize risk of theft and accurately account for fare revenue.

DETERMINING FARE STRUCTURES AND PRICES

The MTA recommends considering the following fare policy evaluation factors in determining fare policies and structures.

- **Equity** - This factor suggests that fares should be related to the costs of providing public transportation to patrons. This includes charging more for longer trips and during peak periods. To achieve broader social goals, discounts could be provided to transit dependent groups.
- **Administrative Ease** - Resources associated with collecting and processing fares should not be burdensome. The processes for collecting, counting, recording, and depositing revenue should be well managed and deter fraud and theft.
- **Patron Comprehension** - The fare structure should be easy for people to understand. This makes it easier to ride transit and reduces conflicts between patrons and drivers about the proper fare.

- **Fiscal Integrity** - Because public transportation is not able to cover operating and capital costs with fares alone, public subsidies are needed. However, fares should generate sufficient revenue to assure adequate funding.
- **Ridership** - Fare levels should encourage ridership.
- **Compatibility** - Fare collection equipment should allow coordination and integration between transit agencies.
- **Policy Support** - Public transportation is one of several key factors that influence the quality of life of Maryland residents. This suggests that fare policies that support broader social and economic issues be established.

There are several ways to approach fare structures and setting prices, introduced below.

Fare Structures

To briefly summarize, variables that may be incorporated into your fare structure include:

- **Travel distance** – Examples include basing fares on:
 - Actual travel distance – Charges could be based upon actual mileage or ranges of miles traveled.
 - Geographic zones – Under this method, your agency defines service zones within your service area and determines fares based upon the number of zones crossed.
- **Service quality** – This could include such factors as:
 - Speed of service, with higher fares generally charged for express service and lower fares charged for “local” service in which travel generally takes longer.
 - Whether service is tailored to individual travel needs (demand-response) or the individual must adapt to the available service (fixed-route).
 - Response time. For example, ADA paratransit service is required to offer next-day service, while the SSTAP service may require 48 hours advanced notice. With service quality as a factor, you may wish to charge a higher fare for a shorter response time (as long as the fare is within ADA paratransit fare limits, described later in this chapter).
- **Time period of travel** – Higher fares could be charged for trips during “peak” hours—when demand is greater and/or the LOTS operates a higher frequency of service.

- **Customer characteristics** – Reduced fares are often (and are sometimes required to be, as described below) charged for individuals within certain demographic groups such as older adults, individuals with disabilities, and young people and/or students. If the transit system also provides human service transportation, there may be special fare arrangements for agency clientele.
- **Transfer fee** – Depending upon how your routes are structured, it may or may not be appropriate to charge a fee for transfers between routes. Transferring enables customers to travel farther in your system and is appropriate for longer trips. However, if your routes are structured so that transfers are required for even short trips, the inconvenience of having to transfer is already a disincentive and should not be charged an additional premium.
- **Percent of deficit** – Your fare structure should also be designed with your farebox recovery ratio goal. For example, if your goal is to recover 20 percent of your operating costs with fare revenue, you must charge fares that, on the average, reflect 20 percent of the cost per trip. This approach is not as straightforward as it may appear, since ridership is to some extent influenced by fare levels, and fare increases may result in ridership decreases and lower farebox recovery.

The Relationship between Price and Demand

To some extent, your fare levels influence your ridership. In general, if all other conditions are equal, charging a higher fare will decrease the demand, while lowering your fares will increase ridership. Determining the optimum fare for maximizing your fare revenue is a balancing act and can vary based on current market conditions.

Additional resources that provide guidance on determining appropriate fare levels for your system are provided at the end of this chapter.

A general rule of thumb in communities where transit customers are mostly transit-dependent rather than choice riders is that for every 10 percent of fare increase, ridership will decrease by 3 percent. For example, if you increase your fare from 85 cents to \$1.00, this would be a 17.6 percent fare increase, resulting in a 5.3 percent ridership decrease (since 17.6 percent divided by 10 percent is 1.76, which multiplied by 3 equals 5.28). The relationship between fare increases and ridership changes is referred to as “fare elasticity.” For more information on fare elasticities, please see TCRP Report 95, Chapter 12, Transit Pricing and Fares, online at: http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_95c12.pdf

SPECIAL FARE REQUIREMENTS**Half-Fare for Seniors, Individuals with Disabilities, Medicare Cardholders**

Federal and State regulations require that, during off-peak periods, seniors, individuals with disabilities, and individuals with valid Medicare cards may be charged fares no higher than one-half of the rates generally charged other passengers on LOTS fixed-routes or deviated fixed-routes. If the LOTS does not have defined peak-hour periods, then the half-fare policy must apply during all hours of service. This means that if your system's general public base fare is \$1.00, the fare charged to seniors, individuals with disabilities, and Medicare cardholders may be no higher than 50 cents. This half-fare requirement also applies to LOTS route deviation and commuter bus services operating beyond peak hours, but does not apply to demand-response service.

The LOTS' reduced fare policy must be included with the general fare policies wherever they are published or posted, including the LOTS' website, route and schedule brochures, fare brochures, and other public information related to fares. This policy must also be publicized internally to staff, and the LOTS must document how and when they train their staff in their local fare policies in general and their half-fare policies in particular.

Federal guidelines define seniors as individuals aged 65 and older. However, at the discretion of the local transit system, the minimum age may be younger to qualify for half-fare. It may be simplest to utilize the same minimum age as used for SSTAP service eligibility (a locally-determined threshold). Consulting with your local Area Agency on Aging and your advisory committee on this matter is strongly recommended.

LOTS may require passengers to show proof of eligibility for half-fare when they pay their fare. LOTS may also require individuals with disabilities and seniors without valid Medicare cards to obtain a reduced fare I.D. card to qualify for the half-fare. Requiring some form of documentation to verify disability (such as a letter from a physician or caseworker) reduces the possibility of non-eligible individuals fraudulently taking advantage of the reduced fare. However, LOTS must ensure that their processes for obtaining a half-fare identification card and/or for presenting proof of eligibility are relatively easy to obtain and use. For example, a LOTS proof of eligibility requirements could include a valid driver's license, Medicare card, ADA paratransit eligibility card or any other standard identification card.

ADA Paratransit Fares

The fare for paratransit services provided as a complement to fixed-route service as required by the ADA (explained in Chapter 12) can be no more than twice the fixed-route fare for an equivalent trip. This requirement does not apply to other demand-response services (such as SSTAP). In addition, your local community may have established a lower maximum fare that can be charged for seniors and individuals with disabilities for community paratransit.

ADA complementary paratransit services and fares must be extended to at least one other individual (companion) accompanying an ADA-eligible individual. If a personal care attendant (PCA) accompanies an ADA-eligible individual, the service must be provided to the PCA and at least one additional companion accompanying the ADA-eligible individual. The certified PCA of an eligible ADA paratransit customer cannot be charged a fare on a LOTS' complementary ADA paratransit service. However, additional companions can be charged the same fare as the ADA-eligible individual with whom they are traveling.

At the LOTS' discretion (refer to Chapter 12), a deviated fixed-route service can charge an additional fare or surcharge if the additional fare or surcharge is applied to all users of the deviated fixed-route service.

FARE MEDIA OPTIONS

Transit providers have a wide variety of fare media options they may choose to accept, including:

- Cash
- Tokens
- Individual trip/zone tickets
- Round-trip tickets
- Multi-ride tickets or punch cards
- Transfer slips
- Passes (good for unlimited rides during a certain period, such as a day, week, or month)
- Post-payment (invoicing sponsoring agencies or customers after trips have been provided)
- Electronic swipe card readers or proximity readers
- Electronic mobile ticketing apps on smart phones

Use of media other than cash can provide documentation for more accurate farebox accounting. Discounted fare media can be good marketing tools for increasing ridership.

Electronic fare media technology continues to evolve and acceptance of these electronic methods can make it easier for customers to ride and for your organization to account for fares and ridership. LOTS that are considering making the transition to an electronic fare payment system (or any changes to existing electronic fare systems) should contact their Regional Planner early in the grant funding and procurement processes because the purchase of an electronic fare system will trigger compliance with FTA-funded ITS architecture technology requirements (see Chapter 2).

Additional resources on fare payment options are provided at the end of this chapter.

REQUIREMENTS ASSOCIATED WITH CHANGING YOUR FARES

Public Comment Period for Proposed Fare Changes

All LOTS must have written procedures, approved by the MTA, for obtaining comments in a public forum prior to fare changes. The requirements for this process are detailed in Chapters 2 and 14 (and attachments) and summarized in the following sections.

Once the LOTS has determined a proposed fare change, they must provide an opportunity for public comment (as outlined in Chapters 2 and 14 of this manual) on the proposed fare change. Any comments received must be addressed before the proposal is finalized.

Public Notice for Impending Fare Changes

In addition to the public comment period on proposed fare changes, public notice must be provided by the LOTS for all fare changes. Public notice requirements and guidelines are detailed in Chapter 14.

MTA must be notified in advance of the planned fare change.

The fare change can go into effect 30 days from the date of the notice. Notice of the change must be conspicuously posted in all affected passenger facilities, as well as in vehicles operating the affected service.

As described in Chapter 14, the public notice can happen concurrently with the public comment period, as long as the comments received do not result in a substantially altered fare change plan.

Nondiscrimination

When planning any change in fare policy, including amount charged and method of payment, the changes should be designed to equitably impact the entire community. An analysis of Title VI implications must be conducted by the LOTS with each fare change proposal and **MUST** be kept on file for three years. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin, and subrecipients of Federal funding must comply with FTA Title VI requirements as detailed in Chapter 13.

SECURE FARE COLLECTION AND CASH HANDLING PROCEDURES

LOTS' fare collection and cash handling procedures should minimize the risk of theft by individuals both internal and external to your agency. Fare theft not only results in lost revenue, it also puts employees at risk of being harmed by would-be thieves. Each LOTS is required to have written cash management procedures in place to demonstrate that they adequately account for their fare collection and security, including cash fares

and other fare media. The following policies and procedures are recommended for LOTS providers that accept cash fares:

- Secure fareboxes should be installed in all vehicles used in passenger service for which cash fares are collected.
- Your system should have an exact change policy, so there is no need for drivers to ever handle cash.
- Farebox vaults should be pulled from the vehicles at the end of each service day and the cash should be stored in a secure interior place such as a safe. Cash from each vehicle should be kept separate to account for revenue collected on different routes each day. Pulling of fareboxes and securing of cash should be monitored. Strict key control should be maintained.
- Cash should always be counted by two people in a room away from public view and access.
- Cash and other fare media collected on each vehicle should be reconciled against driver trip sheet data for each vehicle each day. This will also provide a double check of the accuracy of ridership data.
- Deposits should be made frequently, preferably daily, and the deposited amounts should be reconciled with your agency's farebox cash counts.

Demand-response systems may wish to opt for a ticket policy, wherein customers must purchase tickets in advance by mail or in person at the agency's administrative facilities, and present tickets to the driver upon boarding. This eliminates the need to secure cash on board vehicles. However, if cash fares are accepted on fixed-route service they must also be accepted on the ADA paratransit service that complements the fixed-route service.

ADDITIONAL RESOURCES

Comprehensive Financial Management Guidelines for Rural and Small Urban Public Transportation Providers, published by AASHTO (1992), downloadable through <http://digital.ncdcr.gov/cdm/ref/collection/p16062coll9/id/119548> (see Chapters 6 & 7)

APTA Standards for Contactless Fare Media Systems, downloadable through <http://www.apta.com/resources/standards/technology/Pages/default.aspx>

APTA conducts an annual Fare Collection / Revenue Management / TransITech Conference and posts previous conference presentations to its website. For example, the 2016 presentations are posted here: <http://www.apta.com/mc/revenue/previous-conferences/2016revenue/presentations/Pages/default.aspx>

TCRP resources related to fare policies and payment systems, downloadable through <http://tcronline.org>, include:

- TCRP Report 177, *Preliminary Strategic Analysis of Next Generation Fare Payment Systems for Public Transportation* (2015)
- TCRP Report 95, *Traveler Response to Transportation System Changes Handbook*, Chapter 12, "Transit Pricing and Fares," (2004)
- TCRP Report 94, *Fare Policies, Structures, and Technologies: Update* (2003)
- TCRP Report 54, *Management Toolkit for Rural and Small Urban Transportation Systems* (1999) (see Part B, Chapter 7, "Managing for Affordable Transit Systems")
- TCRP Synthesis 82, *Transit Fare Arrangements for Public Employees* (2010)

"Ensuring Equity in Service and Fare Changes" FTA web page, <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/ensuring-equity-service-and-fare-changes>

FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>

Transit Pass Toolkit, Community Transportation Association of America in partnership with RLS and Associates, for the National Resource Center for Human Service Transportation Coordination and the National Consortium on the Coordination of Human Services Transportation (2007)
<http://web1.ctaa.org/webmodules/webarticles/anmviewer.asp?a=342&z=37>

CHAPTER 5: SUMMARY CHECKLIST

- ❑ Develop a fare structure that is based on distance, service quality, time period, customer characteristics, transfer patterns, and/or farebox recovery ratio goal.
- ❑ Ensure that fares do not discriminate based on race, color, or national origin.
- ❑ Charge no more than half the general public fare for seniors, individuals with disabilities, and Medicare cardholders during off-peak hours.
- ❑ Charge no more than twice the general public fare for equivalent ADA paratransit trips.
- ❑ Consider fare media options such as tokens, tickets, tickets/ passes that provide discounts for multiple rides, transfer slips, and electronic media such as Smart Cards.
- ❑ Conduct an analysis of Title VI implications with each fare change proposal.
- ❑ Provide an opportunity for public comment for all proposed fare changes.
- ❑ Provide public notice and notify the MTA of the proposed fare change at least 30 days before the new fares take effect.
- ❑ Conspicuously post new fares on all affected facilities and vehicles operating in affected service.
- ❑ Establish secure fare collection and cash handling procedures.

6 **MARKETING AND COMMUNITY RELATIONS**

This chapter provides recommendations and ideas for marketing your services and raising community awareness about and support for public transportation through effective community relations. Marketing is important not only to ensure the public is aware of your services (essential for subrecipients of FTA and MTA funding for public transit services), but also, ultimately, as a means of generating revenue. Strategic marketing can help increase ridership and therefore fare revenue. Effective community relations can help increase community support for funding.

LOTS are also required to conduct specific public notice and outreach efforts related to planning and nondiscrimination. These requirements are mentioned in this chapter, and are described in detail in Chapter 14, as well as in parts of Chapters 2, 12, and 13.

REQUIREMENTS RELATED TO MARKETING AND COMMUNITY RELATIONS

LOTS must meet the following requirements related to marketing and community relations.

- Promote the availability of public transportation services to the general public, including:
 - Fixed-route transit services,
 - Services operated for special events (to avoid possible charter service violations),
 - “Tripper” services that primarily transport students but which are open to the general public (to avoid possible school bus service violations),
 - How to request route deviation service, for any applicable routes,
 - ADA complementary paratransit services, and
 - General paratransit/demand-response services.
- Provide information about services in formats that are accessible to individuals with disabilities (see Chapters 12 and 14 for more information on this requirement).
- Include Title VI nondiscrimination policy statement on brochures, website, vehicles, and other informational formats (as described in Chapters 13 and 14).

- Provide information about services in alternate languages as identified in the LOTS Language Assistance Plan (LAP) for people with limited English proficiency (LEP) (see Chapters 13 and 14).
- Notify the public about:
 - Public hearings,
 - Public meetings,
 - Proposed service or fare changes, and
 - Intent to apply for FTA/MTA funding.

(See Chapters 2 and 14 for more information on these requirements.)

Marketing and Charter Services

Services funded by the LOTS grant programs that are administered by the MTA cannot be used to operate charter services except under very specific exemptions (see Chapter 9), and Federally-funded vehicles and facilities cannot be used to provide charter service except in very limited circumstances (see Chapter 11). If you provide special services in coordination with public transit, adequately marketing the availability of public transit is critical for demonstrating that special services are not chartered service.

Accessible Formats and Alternate Languages

Ensure the printed materials identified in your agency's Language Assistance Plan are available upon request in formats accessible to individuals with disabilities, as well as alternate languages, and that target LEP populations are notified of the availability of these formats and languages. (See Chapters 13 and 14 for more information on civil rights requirements for accessible formats and alternate languages).

Your website must also be accessible for individuals who use screen readers (such as people with vision disabilities). The FTA suggests that agencies review the U.S. Department of Justice guidance, "Accessibility of State and Local Government Websites to People with Disabilities" (<https://www.ada.gov/websites2.htm>). Other helpful information may be found in the Web Content Accessibility Guidelines (<https://www.w3.org/WAI/intro/wcag.php>) and in an FTA PowerPoint presentation on creating Section 508 compliant documents on its site at: <https://www.transit.dot.gov/fta-web-policies/accessibility/508-compliance>.

Ensure that deaf customers have telephone access to your agency by training all employees who interact with the public over the telephone in using the Maryland Relay Service. If you receive a significant number of calls from deaf individuals, equipping your office with a TDD/TTY and training staff in its use is recommended. If you have a separate TDD/TTY line, be sure to include this telephone number on your printed materials.

Keeping a written log of all requests for accessible information, TTY calls, and requests for sign language interpretation or other special accommodations can be a useful tool for assessing whether your agency is adequately meeting these needs.

RECOMMENDED ACTIVITIES AND MATERIALS

Recommendations for all public transit service programs are provided in the following categories:

- Media Relations
- Brochures, Route Maps, and Schedules
- Telephone Information
- Electronic Information (including use of social media)
- Customer Feedback
- Advertising
- Joint Marketing Efforts
- Signage and Information at Bus Stops
- Transit Vehicle Appearance
- General Customer Service
- Community Involvement
- Promotional Fares
- Sale of Advertising Space
- Marketing Plan and Budget
- Monitoring and Evaluation

Media Relations

- **Media Contact Person:** It is a good idea to assign one or two key people to be the transit agency's contact person(s) for the media, in order to build relationships with reporters. This will also help maintain control over the information that is shared with the media. Other staff should be encouraged to refer media inquiries to the designated individual(s). This is especially important in the event of a critical incident with sensitive information, such as a serious accident that receives media attention.
- **Media Releases:** Send news releases to local media (newspapers, radio and television stations, and web-based news sources) whenever the transit agency has a story that would create positive awareness about transit, such as new or improved services, grant awards, delivery of new vehicles, and human interest stories (such as "above and beyond the call of duty" employee service).

To improve the chances for being published, media releases should be addressed to a specific individual (such as the news editor) at each news outlet, and include the name, telephone number, and email address of the transit agency's contact individual(s) as well as the transit agency's website address. Sending accompanying photos or a note that photos are available is

recommended; images that include people (as well as vehicles and/or facilities) are suggested.

Templates for media releases are attached at the end of this chapter as Attachments 6.A and 6.B.

- **Media Kits:** Each LOTS should have a media kit with the following items, to give reporters seeking additional information:
 - A fact sheet summarizing important facts, in list form, about whatever is being announced. (On an ongoing basis, maintaining a fact sheet of basic service and ridership statistics and other noteworthy facts is recommended.)
 - Transit system brochures.
 - Timetables.
 - A print-out of the transit agency's website homepage.
 - A CD containing photos, the transit system logo, and other graphic information.

You may also wish to prepare an electronic edition of your media kit for emailing and/or posting to your website.

- **Public Service Announcements:** Brief informational announcements about the availability of services and programs, upcoming service changes, and opportunities for public participation should be sent to broadcast and electronic news media on a regular basis. A template for a public service announcement is provided as Attachment 6.C.

Brochures, Route Maps, and Schedules

- **Brochures:** Develop easy-to-understand brochures about your services. Keep brochures up-to-date and stocked at community information centers including transit centers and rail stations, at other public locations such as government buildings, the Chamber of Commerce, the public library, and shopping centers, as well as on buses. Make electronic versions available to post online or share via email.
- **Route Maps and Schedules:** If you operate fixed-route or route-deviation service, your brochures must include a printed map of routes with clear information about schedules, fares, route-deviation, and flag stop policies, etc.

Every transit route must have a timetable (stand-alone or in combination with other routes) with, at a minimum:

- Route alignment shown on a map,
- Route schedule information,
- Indication of intersecting transfer locations,
- Transit agency logo, telephone number, and Web address, and
- Date that the timetable goes into effect.

It is also recommended that LOTS develop a system map that shows the entire system, showing connecting service where appropriate. The map should be updated at least every two years. Further, you should consider producing a “How to Use” brochure with instructions on:

- How to ride the transit system,
- How to plan a trip,
- How to read timetables,
- Fares and how to pay them,
- Special provisions for patrons with disabilities,
- General rules of rider etiquette,
- Bicycle policies, and
- Where to get additional transit information.

Your schedule should be published in a format that is clear and simple to understand. The most appropriate format will be different for each LOTS. Factors to be considered in choosing a format include:

- **Number of routes in your system** and connectivity between routes – Opportunities to transfer to other routes should be made apparent on the route map and timetables.
- **Consistency of your schedule from hour-to-hour** – If your routes operate on headways that are consistent from hour-to-hour, one way of streamlining your schedule is to present it in terms of minutes after the hour.
- **Number of fixed stops for which customers need to know times** – Do your customers need time points for every stop? Every mile along the route? At key stops and transfer points only? Keep in mind that including too many time points on your schedule requires more space to print, sets up heightened expectations for on-time service, and involves more work to update when schedules change. On the other hand, including too few time points means customers will be required to do quite a bit of guessing as to when they can expect service, creating an impression of service unreliability. As a rule of thumb, time points should be designated at intervals no shorter than five minutes apart and no longer than ten minutes apart.
- **Degree to which your routes are fixed or flexible** – For flexible routes, you may wish to publish fewer timepoints to allow for variations in the schedule due to route deviation.
- **Connectivity with other regional providers** – If your routes connect with routes of other transit providers, route maps and schedules should reflect this. Your fare policy should also indicate whether you accept transfers from other providers or share a common electronic payment system.

- **Complementary paratransit vs. other demand-response services** – If your system operates both complementary paratransit services and other general demand-response services, your public information must clearly distinguish the differences between the two services and who is eligible to use each.
- **Constraints in your printing budget, the size of your brochure, and the amount of space available for schedules** – If space is constrained, you may be tempted to cut corners on the amount of information included in the schedule. However, it is generally better to allow more space, even if it means printing additional brochures, to provide customers with comprehensive, understandable information. Keep in mind that the harder your schedule is to use, the more time your staff will spend on the telephone explaining it to customers, and the more potential there is that choice customers are deterred from using your services.
- **Passenger Policies and Riding Instructions:** In addition to providing general route and schedule information in your brochures, it is a good idea to include information about special operating policies (such as flag stops, route deviations, and curb-to-curb vs. door-to-door service), as well as policies about passenger behaviors that are not allowed on board vehicles (such as smoking, eating, and disruptive behavior). Providing customers with complete written policies and instructions on using your services not only makes using the service more comprehensible, it helps protect your agency from potential perceptions of discrimination.
- **Clarity of Information:** Informational materials should be designed for clarity and “user-friendliness” for all customers. Recommendations include:
 - Use illustrations and graphic elements selectively to avoid cluttering up the design and reducing the clarity of your information.
 - Use a font and font size that is easy for most customers to read.
 - Use a font color that contrasts highly with the background color.
- **Notification of the Public’s Rights under Title VI:** Brochures, websites, and other informational materials must include a statement of the LOTS’ policy for nondiscrimination on the basis of race, color, or national origin, as required under Title VI. Further, the notification must state that individuals have the right to file a complaint and provide instructions on how to file one. The details on this requirement are provided in Chapter 14.
- **Availability of Translated Information for Limited English Proficiency (LEP) Individuals:** Also required under Title VI (as described in Chapter 13), vital documents must be translated into other languages as identified in the LOTS’ Language Assistance Plan.

Telephone Information

The MTA recommends having staff available to provide information by telephone during normal business hours at a minimum. In addition, all transit agencies should maintain a TTY/TDD system for individuals with hearing impairments. The FTA does not specify that a transit system must have a TTY/TDD system; however, as part of complying with the ADA, the transit system must document how it will handle requests from hearing-impaired individuals.

Ensure adequate availability of information by telephone by providing an after-hours announcement indicating office hours, community locations where brochures are stocked, your website address, and any announcements regarding operations during inclement weather and other major service disruptions. If your telephone system and budget allow, offer a touch-tone menu where customers can obtain service and schedule information 24 hours a day.

For ADA complementary paratransit service trip reservation purposes, the LOTS must be prepared to accept requests for reservations during normal business hours on a “next-day” basis (not 24 hours in advance) on all days prior to days of service (e.g., weekends or holidays). Reservations for next-day service must be taken during administrative office hours, and reservations can be accepted using staffed telephones or mechanical means such as answering machines. The LOTS must also be prepared to document that ADA complementary paratransit telephone calls are received and missed calls answered in a reasonable period of time, and that ADA paratransit patrons do not experience excessive hold times while waiting to register or get information on trips (see Attachment 12.C for more information).

Electronic Information

- **Website:** Develop a website and keep it up-to-date. If you are a public agency, enlist the help of your city or county information technology department. If you are a private non-profit organization, many local internet service providers offer reduced rates for developing community service pages. Designing your website could be a project for an intern or a computer graphics class at a local college. Keep in mind, however, that a website is only helpful if it is kept up-to-date with accurate information. Thus, be sure you have the resources available to provide ongoing maintenance of your website before launching it online. It is also important that LOTS staff meet regularly with the IT/website developer staff to review any updates and ensure they are accurate and timely.

If you provide a website, the website must include information about your route map(s), schedules, and fare policy, and information about ADA accessibility, as well as opportunities for the public to provide online feedback. Links to other Maryland transit websites with which your services connect are also recommended. Refer to Attachment 6D at the end of the chapter for website requirements.

- **Social Networking and Blogging:** In addition to your official website, consider maintaining a blog (derived from “web blog”) and maintaining an active presence on social networking sites, with prominent links to each social media site from your official website. A well-designed and maintained blog can serve as an inexpensive alternative to a formal website.

Social media such as Facebook, Twitter, YouTube, and Instagram have become mainstream activities for reaching a wide range of community members, and are critical for reaching younger members of your target market.

When social media activities are pursued, be sure to monitor comments posted by readers. Reader comments can provide helpful feedback. However, they can sometimes result in unfavorable and critical public commentary or worse, so you may want to use controls such as requiring a moderator to review comments and approve them before they become publicly visible.

- **Electronic Newsletter:** Publish an “e-newsletter” that customers and other interested individuals can subscribe to online to receive announcements about service changes, special services, upcoming events, plans, and public participation activities.
- **Real-Time Service Updates:** As “real-time” information (such as current location of vehicles and next vehicle arrival times along routes) technology develops and becomes affordable, this information could be added to the agency’s website and made available through a smart phone app, as well as automatically emailed or sent as a mobile alert to subscribing customers, providing them with up-to-the-minute information about the status of service.
- **Google Transit Maps:** If you operate fixed-route service and have a bus stop inventory, consider making stop and route information available to online mapping services such as Google. The National Rural Transit Assistance Program (RTAP) has developed a General Transit Feed Specification (GTFS) Builder app designed for rural and small urban transit providers (<http://nationalrtap.org/supportcenter/Builder-Apps/GTFS-Builder>).

Customer Feedback

- **Customer Surveys:** Periodically survey your customers to determine what they like and dislike about your services and solicit suggestions they may have. Survey results can be a valuable planning tool, and customers will feel that your agency is empathic to their concerns. A good practice is to conduct customer satisfaction surveys at least once every three years.

Surveys can quickly and easily be conducted through online survey apps. However, for planning efforts and in consideration of Title VI requirements (see Chapter 13), LOTS are advised not to rely solely on electronic surveys, since many customers and potential customers may be unable to access them or lack the skills to use a computer. It is important to note that LOTS that operate 50 or

more buses in peak service, and are in an urbanized area (UZA) of 200,000 or more in population, are required to conduct surveys utilizing more rigorous sampling techniques. This requirement is introduced in Chapter 13 of this manual under “Additional Requirements for LOTS in Areas with 200,000 or More Populations Operating at Least 50 Fixed-Route Vehicles in Peak Service,” and detailed in Chapter 4 of FTA Circular 4702.1B.

- **Ongoing Customer Feedback:** Solicit and monitor compliments, service requests, and complaints that your agency receives in an ongoing and incidental basis. You may wish to provide your customers with a feedback form, in print format as well as on your website if you have one. This type of form not only encourages customer response on an ongoing basis, it also provides a mechanism to document employee commendations. At a minimum, you must have a form for accepting discrimination-related complaints as required for Title VI, EEO and DBE (all Chapter 13) and the ADA (Chapter 12).

A log of customer complaints and actions taken should be maintained by the transit agency, and every complaint should receive a written response.

Title VI (Nondiscrimination, including EEO and DBE) complaints must be addressed according to the LOTS’ local Title VI complaint process (as summarized in Chapter 13). This process must include a formalized procedure for accepting, evaluating, and responding to any discrimination complaint received and immediately notifying to MTA.

Advertising

The following types of advertising are worth considering:

- **Newspaper:** Local community papers and those targeted to specific segments of the population (e.g., seniors, Spanish speakers) can be an affordable advertising outlet.
- **Broadcast Media:** The cost-effectiveness of purchasing advertisements in print or on broadcast media (radio or television) depends on where a transit system is located (major metropolitan area versus rural area) and the available budget. Frequent exposure is often more desirable than larger or longer advertisements. Television may reach more people than a newspaper ad, but production costs are typically higher.
- **Direct Mail:** While direct mail can get a targeted message to the proper audience, transit agencies should consider the potential costs, including costs to purchase printed inserts, envelopes, a mailing list, and postage. Including an insert in local utility bill or in a coupon mailer package may be less expensive options.
- **Billboards/Posters/Signs:** Billboards, on-transit advertising, and road signs can reach a broad general audience. Highway signs should be limited to a few words

and a large photo or graphic, since drivers traveling at highway speeds must read the message quickly. Billboard locations should be selected near large employment centers, major commuter corridors, and retail centers.

- **Promotional Items:** Keychains, magnets, and other small giveaway items imprinted with the transit agency's logo and campaign message can raise awareness about transit and be distributed at meetings, special events, and during on-board promotions to the public, especially current and potential riders.
- **Flyers:** Transit information and news updates of interest to patrons should be placed on buses and in transit stations.
- **Procurement:** Remember that purchasing any form of advertisement may trigger procurement requirements to which the LOTS must adhere (see Chapter 4).

Marketing Message Ideas

In developing advertising campaigns and advocating for community support, LOTS may find one or more of the following messages useful. This list was extracted from TCRP Report 122, *Understanding How to Motivate Communities to Support and Ride Public Transportation* (http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_122.pdf, pages 42-43).

Personal benefits of public transportation:

- Is a safe way to get around.
- Is convenient in bad weather.
- Is a dependable means of getting around.
- Is for people like you.
- Eliminates the need to find and pay for parking.
- Saves money in comparison to driving.
- Goes where you want to go.
- Has a direct, positive impact on your life or those of people you know.

Societal benefits of public transportation:

- Gives people more choice in getting around.
- Helps those who can't afford a car to get around.
- Improves the quality of life for a community's residents.
- Provides mobility to those who can't drive, such as seniors, teens, and individuals with disabilities.
- Reduces pollution.
- Reduces society's energy consumption.

- Makes America more independent of foreign oil.
- Reduces congestion on the roads.
- Makes communities more attractive to businesses.
- Makes more people interested in living in the area.
- Is a good way to spend tax dollars.

Page 79 of the TCRP report also recommends the following messages about public transportation for advocacy efforts:

- Has economic consequences: enhanced property/real estate values, employment opportunities, growth of communities.
- Has environmental benefits: reduced congestion and reduced pollution.
- Saves productive time by lessening traffic congestion.
- Makes us less dependent on foreign oil.
- Saves us money on gas.
- Enhances our quality of life: reduces personal stress and increases independence for non-drivers.
- Improves our lives and the lives of our children.

The American Public Transportation Association publishes a series of advocacy briefs around many of these messages, found through the Resource Library, Reports and Publications section of their website (www.apta.com).

Joint Marketing Efforts

- **Partnerships with Other Transportation Providers:** If your service area coincides or overlaps with the service area of a mobility manager, rideshare program, and/or other public transportation provider, jointly promoting each other's services not only helps your organization, but also helps customers and potential customers who will be able to access information more easily.
- **Partnerships with Local Businesses:** LOTS may wish to pursue local marketing partnerships, such as sponsorships with local radio and television stations, providing advertising for the station on buses in exchange for broadcast advertisements. Remote radio station broadcasting at a special event related to transit, such as the opening of a new facility, is another way to raise awareness of transit over the air.

Signage and Information at Bus Stops

At a minimum, LOTS that operate fixed-routes should install identification signage at all fixed stops, so that customers will know where to wait for the bus. Bus stop signs also serve a marketing function by raising awareness about the availability of the service in

the community. Ideally, they should be attractively designed, well-maintained, and include the telephone number to call for service information. The Maryland State Highway Administration (SHA) and many local governments have specific design and/or permitting requirements for posting signs. Before placing a bus stop sign, please check with the local government and/or SHA regarding specific requirements at each sign location. SHA sign standards related to transit stops are provided in Appendix H.

Bus stop signs should measure 18 inches wide by 24 inches high, and should display only transit information. The top section of the sign should indicate that this is a bus stop, the middle section should list bus information, and the bottom section should include transit agency contact information. The reverse side of the sign should display the words “BUS STOP.” Parking regulations should be placed on a separate sign, consistent with local regulatory ordinances on parking.

Bus stop signs must meet ADA requirements related to character size and color contrast, which are introduced in Chapter 7 (Facilities Development) and detailed in the Access Board’s ADA Accessibility Guidelines.

Additionally, LOTS may wish to install schedule information and route maps if space permits, particularly at stops with shelters and higher ridership. Whatever information is installed should be maintained to be current and in good repair.

Transit Vehicle Appearance

Your vehicles are among the most powerful messages your transit agency presents to the public. It is critical that vehicles should be kept clean and in good repair, not only for the safety and comfort of your passengers and staff, but also to present your best face to the community. Also, the LOTS must include signage on each vehicle clearly identifying the agency’s system name and providing a unique vehicle number. Further, a colorful and eye-catching paint scheme can draw attention to the availability of your services. If you sell advertising space on your vehicles, bus wraps are an approach in which advertisers can make your buses visually striking.

General Customer Service

The communication skills of your drivers, and other staff members who interact with customers and the public (including dispatchers, schedulers, receptionists, supervisors, and management) are extremely important when it comes to marketing. Transit agencies should set high standards for providing customer service, and train all staff to ensure that the entire team is working together to present the agency as customer-friendly and service-oriented to the public. Remember, the LOTS are required to train (and document such training) drivers and agency staff to proficiency in their ADA Drug and Alcohol services and programs. This can usually best be accomplished with an initial and annual refresher training cycle.

Community Involvement

Transit agency management staff can greatly enhance the awareness and perception of transit in the community by being actively involved in community service organizations and the Chamber of Commerce, speaking at gatherings, and assisting in volunteer efforts. Outreach to school children can be a means of building and educating the next generation of transit riders.

Providing vehicles for special community events (as long as they are within the allowable exceptions/exemptions under the FTA charter service restrictions as outlined in Chapter 9) reinforces the message of transit services as beneficial to the community.

Promotional Fares

LOTS requirements related to fares are detailed in Chapter 5. While each LOTS must have an established fare policy, as part of a marketing campaign a transit agency may wish to offer temporary promotional fares to encourage additional ridership. Examples of promotional fare usage include free or reduced fares for new service, service on major holidays, or seasonal fares for a specific market, such as youth during the summer. Another approach is to include a coupon in a print advertisement which a customer can redeem for free or reduced fare.

When offering promotional fares, LOTS must be careful not to inadvertently discriminate against demographic groups protected under the Title VI civil rights requirements (see Chapter 13).

Sale of Advertising Space

A transit system can generate significant operating revenue through the sale of advertising space on its vehicles (including interior car cards, exterior spaces, and bus “wraps”), facilities (including advertising shelters, which are typically installed and maintained at the expense of the advertising company), printed materials, and its website, if allowable by the LOTS organization and the jurisdiction in which the facilities are located. Transit agencies should be selective of what they allow to be advertised on their property (for example, you may not want to allow alcohol advertisements).

LOTS are cautioned not to sell so much advertising space that their vehicles become unrecognizable as public transit vehicles. The identity of your system as the operator must be clearly visible to the public.

Revenues from advertising activities on vehicles, facilities and other FTA/MTA-funded items must be used for future transit expenses and expressly cannot be used toward the organization’s general fund. Furthermore, these revenues cannot be used toward local match in the year they are earned.

Requirements related to procurement of revenue contracts are found in Chapter 4, and recordkeeping and reporting of non-fare revenue are found in Chapter 3.

Marketing Plan and Budget

- **Public Participation Plan:** While LOTS are not specifically required to have a marketing plan or spend money on marketing, they are required to have a Public Participation Plan for Title VI purposes (see Chapter 13). Many features of a LOTS' Public Participation Plan would be part of the LOTS' larger transit system marketing plan.
- **Budget:** It is recommended that your agency establish a marketing budget that is incorporated into your annual budget. You should plan to spend at least one percent of your annual budget on a modest marketing program. Be sure to include line items for printing and advertising.
- **Plan:** It is recommended that you develop a marketing plan for your agency with an implementation schedule that is updated each year. Include a schedule for sending news releases and public service announcements, purchasing advertising, public speaking engagements, hosting special events, and observance of "Dump the Pump" day, "Try Transit" week or other events that encourage people to try public transit, as well as updating, reprinting, and distributing brochures.

Monitoring and Evaluation

Evaluating marketing efforts is an important component of a marketing program. LOTS should track responses to advertising campaigns (e.g., use of coupons, inquiries in response to coupons, or ridership increases following specific promotions) as well as ongoing statistics related to the number of brochures distributed, website hits, and public requests for information. News media coverage should be monitored for tone (favorable, neutral, or unfavorable) and frequency of articles.

Where direct correlations can be made between marketing activities and customer response, the success of the activity should be evaluated to see what approaches work best.

ADDITIONAL RESOURCES

National Rural Transit Assistance Program - Marketing resources available through their website (www.nationalrtap.org) include:

- “Marketing Transit” Toolkit - <http://nationalrtap.org/marketingtoolkit/> - This comprehensive and practical toolkit includes a library of photos and graphics plus brochure and advertisement templates that transit agencies can use.
- “GTFS Builder” Web App (for Google Maps)
- “Website Builder” Web App
- 101 Webinar Series: “Social Media” (2013)
- “Driving Your Online Presence: The Importance of Creating a Website for Your Transit Agency” Technical Brief (2012)
- “Leveraging Social Media: Spreading the Word and Enhancing Community Participation” Technical Brief (2011)
- John Martin Series: “Make Business Part of Rural Transit's Business” 5-part webinar series (2010)
- “Advocating for Your Transit System” Technical Brief (2008)

American Public Transportation Association - Numerous marketing resources available through their website (www.apta.com) including those listed below. You may need to be logged in as an APTA member to access some resources.

- National “Dump the Pump” Day Toolkit, updated annually – <http://www.apta.com/members/memberprogramsandservices/advocacyandoutreachtools/dumpthepump/Pages/default.aspx>
- AdWheel Awards competition, held annually, can provide creative inspiration – <http://www.apta.com/members/memberprogramsandservices/awards/Pages/Past-AdWheels-Winners.aspx>
- Advocacy Outreach Toolkit – <http://www.apta.com/members/memberprogramsandservices/advocacyandoutreachtools/august-extension-toolkit/Pages/default.aspx>

National Center for Mobility Management – Their outreach and social media web page provides links to numerous resources – <http://nationalcenterformobilitymanagement.org/by-topic-outreach-and-social-media/>

Transit Cooperative Research Program - The following TCRP documents include marketing ideas and guidelines (www.tcrponline.org):

- *A Guidebook for Marketing Transit Services to Business*, TCRP Report 31 (1999)

- *A Handbook of Proven Marketing Strategies for Public Transit*, TCRP Report 50, (1999)
- *Effective Use of Transit Websites*, TCRP Synthesis 43 (2002)
- *Guidebook for Change and Innovation at Rural and Small Urban Transit Systems*, TCRP Report 70 (2001) – see “Initiatives and Innovations in Marketing” are pages II-109 through II-121
- *Low Cost and Cost-Effective Marketing Techniques for Public Transit Agencies*, TCRP Report 50 (1999)
- *Management Toolkit for Rural and Small Urban Transportation Systems*, TCRP Report 54, *and Transit Services* (1999) – see Chapter 6: “Managing for Understandable and Intelligible Transit Systems”
- *Practical Measures to Increase Transit Advertising Revenues*, TCRP Report 133 (2009)
- *Strategies for Increasing the Effectiveness of Commuter Benefits Programs*, TCRP Report 87 (2003)
- *Transit Advertising Sales Agreements*, TCRP Synthesis 57 (2004)
- *Traveler Response to Transportation System Changes—Chapter 11: Transit Information and Promotion*, TCRP Report 95 (2003)
- *Understanding How to Motivate Communities to Support and Ride Public Transportation*, TCRP Report 122 (2008)
- *Use of Market Research Panels in Transit*, TCRP Synthesis 105 (2013)
- *Uses of Social Media in Public Transportation*, TCRP Synthesis 99 (2012)
- *Web-Based Survey Techniques*, TCRP Synthesis 69 (2006)

In addition to the above materials published by the transit industry, LOTS managers may wish to consult a basic marketing manual.

CHAPTER 6: SUMMARY CHECKLIST

- ☐ Comply with public notice and outreach requirements outlined in Chapter 14.
- ☐ Establish one or two media contact persons within your organization to whom all reporter inquiries should be directed.
- ☐ Prepare a media kit to provide to reporters upon request.
- ☐ Issue media releases and public service announcements on a frequent basis.
- ☐ Develop effective brochures with clear schedule information, including route maps, schedules, and operating policies.
- ☐ Ensure adequate information available by telephone (in-person during office hours and via recording or direction to other resources after hours).
- ☐ Develop and maintain a website.
- ☐ Consider electronic information updates such as a web log, an e-newsletter and/or, if the technology is in place, real-time service status updates.
- ☐ Solicit customer feedback on an ongoing basis (e.g., through comment cards), as well as through periodic surveys.
- ☐ Advertise through local media, direct mail, signage, promotional items, and/or flyers.
- ☐ Partner with other transportation providers (including the local Rideshare program if available), as well as local businesses.
- ☐ Install and maintain clear and attractive bus stop and facility signage.
- ☐ Ensure vehicles are kept clean. Design attractive paint schemes for new vehicles.
- ☐ Strive for excellent customer service among all staff.
- ☐ Get involved in community groups.
- ☐ Provide vehicles for community events, but be sure to market your services as open to the public.
- ☐ Consider short-term promotional fares to attract new ridership.
- ☐ If appropriate for your community, consider sale of advertising space on vehicles and shelters as a source of operating revenue.
- ☐ Dedicate revenues from advertising toward future transit expenses.
- ☐ Include marketing in your annual budget (at least one percent of the total is recommended).
- ☐ Develop a marketing plan and update annually.
- ☐ Monitor and evaluate the effectiveness of your marketing program, fine-tuning as appropriate.

7

FACILITIES DEVELOPMENT

This chapter provides overall guidelines for transit facilities development, including bus stops, other passenger facilities, administrative, and operating facilities. There are many Federal Transit Administration (FTA) requirements related to facilities development. If you are planning to apply for funds for facility development, contact your MTA Regional Planner as early as possible to discuss your proposed project and the administrative work it will entail. The following topics are addressed in this chapter:

- *General Requirements for Existing Facilities*
- *Steps Involved in Developing a New Facility*
- *Planning a New Facility*
- *Design, Engineering, and Construction*
- *Bus Stops*

GENERAL REQUIREMENTS FOR EXISTING FACILITIES

Facilities Maintenance

Subrecipients must keep facilities developed with Federal and State assistance in good condition. Each LOTS **must** have a facilities maintenance program in place to ensure that facilities are kept clean and in good repair, including accessibility equipment such as elevators and public address systems. This includes a written facility maintenance plan with a program of inspections and preventive maintenance activities. Attachment 7.A provides a template (Word and Excel) that the LOTS can use in developing their written facilities maintenance program. LOTS must inspect their facilities on an annual basis to determine upkeep and maintenance needs.

Passenger facilities, including bus shelters, are highly visible to your community, and special efforts should be made to ensure that they are kept clean, including regular trash pick-up and graffiti removal. Broken shelter panels should be removed and replaced as soon as possible as they create a safety hazard and may attract further vandalism.

The MTA conducts periodic maintenance reviews of LOTS which include review of LOTS facilities maintenance plan and inspection of the facilities. The Maintenance Review Checklist is found at the end of this chapter as Attachment 7.B.

Security

All LOTS are required to spend one percent of Federal funds annually for transit security projects, or certify that such expenditures are not necessary. Such projects include surveillance cameras, building security systems, and lighting. LOTS are also encouraged to perform crime prevention reviews during the design phase of all FTA-funded transit facilities, with particular focus on crime prevention through environmental design techniques.

Security requirements and recommendations for the LOTS are addressed in detail in Chapter 11.

Inventory of Real Property

An inventory of real property in which there is a Federal interest should be conducted every year and reconciled with property records. LOTS are required to update their inventory records annually as part of the ATP process.

Inventory records must include the following information for real property in which there is a Federal interest:

- Property location/physical address
- Use and condition of the property
- Summary of conditions on the title
- Brief description of improvements, expansions, and retrofits
- Corresponding useful life for the assets
- Date placed in service
- Acquisition date
- Original acquisition cost
- Sources of funding
- Federal and non-Federal participation ratios
- Federal award identification number
- Appraised value and date
- Anticipated disposition or action proposed
- If disposed of, the date of disposal and sale price of the property
- If the property is excess, identify the reasons for having excess property

For grants awarded on or after December 26, 2014, the following information must also be included:

- Parcel number
- Tax ID
- Real property ownership type(s)
- Size: acreage, square or linear units

Incidental Use/Leasing Property

FTA-funded facilities may be used for purposes other than the provision of transit services. Such use is known as “incidental use.” **ALL incidental uses MUST be pre-approved by the FTA through the MTA.** The incidental use must be compatible with the approved project, must not interfere with intended public transportation uses of the project assets, and must not in any way interfere with the LOTS continuing control over the use of the property. Examples of incidental use include: utilization of a LOTS’ Federally-funded fueling facility by other city or county agencies; use of a LOTS’ Federally-funded maintenance facility to maintain non-transportation vehicles of other agencies; and use of a LOTS’ Federally-funded administrative building by other agency staff to perform non-transportation work. Where appropriate, LOTS will be required to execute formal lease agreements. Often, a LOTS would want to engage in incidental use to generate additional program revenues. However, all income from the incidental use must be applied to the LOTS’ transit expenses, subject to the non-fare revenue requirements outlined in Chapter 3.

If a subrecipient leases part of an intermodal terminal developed with FTA assistance to an intercity bus operator, the subrecipient is permitted to charge a nominal rent (e.g., \$1.00). The intercity operations are treated as incidental use, and the intercity operator must pay rent to the subrecipient. If the subrecipient wishes to charge more than a nominal amount, they may do so, up to fair-market rates. The subrecipient should select the carriers afforded below-market rents on the basis of a competitive selection process. See Chapter 4 for requirements on procuring revenue contracts.

If you believe you have an incidental use situation or if you are interested in revenue-generating activity (such as lease of space for concessions or another transit provider’s ticket sales) at your facility, you must consult with your MTA Regional Planner at the earliest possible opportunity.

Disposition of Real Property

FTA/MTA capital grant subrecipients should prepare and keep up-to-date, for all grants awarded before December 26, 2014, an excess property utilization plan for all property that is no longer needed to carry out the originally intended purpose. Subrecipients are also required to notify and request approval from the MTA when the property is no longer used for its originally approved purpose. LOTS must coordinate and receive concurrence from MTA prior to the disposition of any property (the term property includes real-estate as well as tangible capital items such as buildings, shelters, shop equipment, and vehicles) purchased using Federal and State funds. In such cases where disposition is warranted, the FTA provides potential options for property disposal which are detailed within FTA Circular 5010.1E (in Chapter IV, Management of the Award, online at: <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e>). The grantee may be required to reimburse FTA/MTA.

Facility Replacement Planning

LOTS should plan for long-term facility replacement needs, based on the lifespan of major elements of the facility, such as the fuel tanks, roof, HVAC system, pavement resurfacing, etc. Developing a facilities replacement plan and anticipating these major replacement needs will prepare the LOTS to apply for capital funding early enough to allow for timely replacements. If funds are available, establishing a reserve account for such replacements is also recommended.

The Transit Asset Management Plan (TAMP) described in Chapter 2 provides the basis for a facility replacement plan for each LOTS.

PLANNING FOR A NEW FACILITY

Details on eligible facilities and functions and planning justifications needed are located in FTA Circular 5100.1, Bus and Bus Facilities Program: Guidance and Application Instructions. This circular can be found at <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/bus-and-bus-facilities-program-guidance-and-application>.

In addition to being included in the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) (discussed in Chapter 2), there must be a planning basis for every Federally-funded capital project or group of projects.

Steps Involved in Developing a New Facility

Attachment 7.C provides a checklist of steps involved in developing a new facility, including an estimated timeline.

Federal Funding For Facilities Development

LOTS facilities developed or improved with State and/or Federal participation are funded through Sections 5307, 5311, and 5339. These FTA programs fund two categories of bus facilities:

1. Those that support transit operations, such as maintenance garages and administrative buildings, and
2. Those that provide passenger amenities and extend into the built environment, such as bus terminals, stations, shelters, park-and-ride lots, and intermodal facilities that include both transit and intercity bus services.

Eligible facility costs include construction, rehabilitation, design, engineering, and land acquisition.

Anticipated Time Frame for a Major Bus Facilities Project

The FTA estimates that a major bus facility costing up to \$10 million takes approximately 21 to 36 months to plan, design, and build:

Milestone	Time Required
Planning Study, Environmental Impact Study, Conceptual Design Completed	6 to 12 months
Design and Engineering	3 to 6 months
Construction	12 to 18 months
Total Project	21 to 36 months

Factors that might expedite or delay the project include availability of local share, environmental issues, site selection and acquisition, design review process, obtaining construction permits, construction problems, labor relations, and local politics.

Levels of Planning

The planning efforts below typically need to be conducted prior to receiving construction or property acquisition grants from the MTA for a new or major renovation FTA-funded facility project. These planning efforts are usually eligible for grant funding.

- **Needs assessment** – Determines the spatial capacity and functional needs for the facility; estimates demand for use of passenger facility.
- **Feasibility study** – Includes a staging and financing plan and may also incorporate the needs assessment. Provides justification for applying for Federal and State funding for subsequent phases of the project.
- **Site analysis** – Evaluates the appropriateness of alternative sites to select the most appropriate site before acquiring land on which to build.
- **Preliminary concept design** – Establishes the high-level design and major elements of the facility.
- **Environmental review** – Evaluates and documents how the facility and its construction would impact the surrounding natural and socio-economic environment. Environmental planning requirements are described later in this chapter.

Planning Needed by Project Type

The type of planning work required varies according to the type and scale of the project:

- **Passenger shelters:** A program for passenger shelters should be developed for the existing and/or proposed shelter network based on the LOTS' shelter criteria. The LOTS should address the following shelter criteria as part of their grant application:
 - Specify the dimensional size, shape and footprint of the shelters,
 - Develop a map showing transit routes with shelter locations,
 - Determine right-of-way ownership for proposed locations,

- Determine local government permitting processes,
 - Determine easements and property acquisition processes,
 - Consider shelter installation and workforce requirements,
 - Consider shelter maintenance, upkeep and cleaning,
 - Address equitable distribution of amenities in planning shelter locations across the system, consistent with the LOTS system-wide service policy for transit amenities in its Title VI Plan (see Chapter 13), and
 - Address ADA access and shelter compliance in determining shelter placement at each location.
- **Transfer Facility or Transportation Center:** The basis should be documented in a planning study including:
 - Determination of transit demand and other uses for the facility,
 - Evaluation of existing transfer facilities or sites to satisfy existing and future transit needs,
 - Evaluation and selection of sites if a new facility is warranted,
 - Preliminary concept design and cost estimate of the transit transfer facility,
 - Development of a staging and financing plan, and
 - Environmental documentation for the new facility.
 - **Park-and-Ride Facilities:** The basis should be documented in a feasibility study including:
 - Evaluation of demand and service needs,
 - Evaluation of sites to satisfy existing and future transit needs,
 - Preliminary concept design of the park-and-ride lots,
 - Development of a staging and financing plan, and
 - Environmental documentation for the new facility.
 - **Maintenance and Administrative Facilities:** The basis should be documented in a feasibility study including:
 - Evaluation of the condition and adequacy of the existing facility,
 - Development of site evaluation criteria,
 - Identification and evaluation of alternative sites based upon site evaluation and design requirements,
 - Final site selection and preliminary concept building design,
 - Environmental documentation, and
 - Development of a phasing and financing plan.

Needs Assessment: Determining How Much Space You Need

Your facility's space needs will depend on a number of factors, including current and future:

- Use of facility
- Vehicle fleet size, types of vehicles
- Number of drivers
- Operations supervision and support size

- Administrative and management staff size
- Customer service functions
- Conference and training room needs
- Contracted services
- Employee parking needs/policies
- Customer parking needs (which will be higher if your facility is not located on a bus route)
- Management philosophies regarding placement of different organization functions. For example, should executive management be in proximity to operations? Should the driver's room be located next to the dispatch office? Which functions do certain managers need to monitor?
- Long-term service plans and the resulting expected organizational growth.

The needs assessment conducted during the early stages of the project planning should determine the general answers to these questions. The preliminary concept design should present solutions to meeting these needs.

Environmental Planning Requirements

An important planning step is determining how a proposed project would affect traffic (parking, access, and circulation), air quality, noise, vibration, community, parks and recreational areas, wetlands, flood plains, soil/water conditions, water quality, ecologically sensitive areas, endangered species, displacement of current residents and businesses, equitability of service to minority and low income populations, and compatibility with zoning.

Environmental Impact Statements, Environmental Assessments, and Categorical Exclusions

The National Environmental Policy Act (NEPA) requires that projects which substantially affect a community or its public transportation service are subject to preparation of an Environmental Impact Statement (EIS). The EIS considers the social, economic, and environmental effects of the project, as well as its consistency with official land use plans. Where adverse effects are likely to result, alternatives must be considered to avoid those effects. The requirements for proper preparation of an EIS are found in 23 CFR Part 771:

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title23/23cfr771_main_02.tpl

Projects which do not substantially affect a community or its public transportation service require only preparation of an Environmental Assessment (EA) unless they are considered a Categorical Exclusion under NEPA. There are two groups of projects that qualify as Categorical Exclusions.

1. Activities and projects which have very limited or no environmental effects, such as planning, administration, operating assistance, and transit vehicle purchases.

2. New construction or expansion of transit terminals, storage and maintenance garages, office facilities, and parking facilities that are compatible with existing land uses and provide for adequate traffic access.

Other projects may be excluded on a case-by-case basis. Your MTA Regional Planner should be consulted early in the planning process. MTA will determine the environmental review needs, if any, of your project and advise you on how to proceed.

Federal Environmental Justice Requirements (All Construction Projects)

As part of the LOTS requirements under Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d), an environmental justice (equity) analysis must be submitted for new construction and major rehabilitation or renovation projects. This includes, but is not limited to, storage and maintenance facilities, operations centers, etc. The Title VI equity analysis can usually be performed during the planning process. LOTS can integrate an environmental justice analysis into the NEPA documentation of construction projects if the NEPA process encompasses the necessary information required in the equity analysis.

More information about the environmental justice requirements is found in Chapter 13 (Non-Discrimination) and in FTA circular 4702.1B (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>) and circular 4703.1 (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/environmental-justice-policy-guidance-federal-transit>).

Opportunity for a Public Hearing

A Federal grant application for a capital project that requires an EIS must provide an adequate opportunity for a public hearing as outlined under 23 CFR Part 771, §771.111. The subrecipient must also consider the social, economic, and environmental effects of the project, and assess its consistency with official plans for the comprehensive development of the urban area.

The public hearing requirements for this type of project are separate from the requirements for public participation in statewide and metropolitan planning (addressed in Chapter 2), although all capital projects financially supported by the FTA are also subject to statewide transportation planning requirements and, in metropolitan areas, to metropolitan planning requirements.

More information about public hearing requirements is found in Chapter 14 (Public Outreach).

Other Environmental Protection Requirements

In addition to the EIS requirements, FTA-funded capital projects are subject to several other environmental protection laws protecting historic sites, public parks, and refugees. For more information, contact your MTA Regional Planner.

Federal Approval

In brick and mortar facility projects, direct Federal approval is often required. This includes approval of property appraisals, NEPA documentation, and other steps in the process.

Land Acquisition

If land acquisition is part of your Federally-funded facility project, Federal law requires that you take a number of steps to ensure that the original landowner who is displaced as a result of the purchase is assisted with relocation. These steps include informing the affected individual of the benefits, policies, and procedures available to them because of the displacement. These include offers of relocation payments and assistance, and offering replacement housing and services. The subrecipient must ensure that third party contractors comply with these requirements as well.

The Federal regulations involved are Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601) and 49 CFR parts 24, 210, and 305 and are summarized in FTA Circular 5100.1, “Bus and Bus Facilities Program: Guidance and Application Instructions” (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/bus-and-bus-facilities-program-guidance-and-application>), Chapter VII, Section 17, in the following excerpt:

“... certain actions ... must be taken to achieve uniformity in the treatment of property owners and displaced individuals. Recipients in the process of planning a federally assisted project that will require the displacement of individuals should be aware of the regulatory need for relocation planning during the early stages of project development.

Real property may be contributed as part of the local matching share. Credit can be allowed only for that portion of the property needed to carry out the scope of the project. Federal funds must not have been used to purchase any property proposed as local matching share. The contributed in-kind property must be appraised at its current market value and when incorporated into the project will be subject to the same reporting and disposition requirements required of all project property.”

As noted above, real property that was not purchased with Federal funds may be used as part of local share. The FTA must review and concur on in-kind contributions of any value before Federal funds are expended or the value is used as local match.

A more in-depth description of the regulations, including the thresholds for when FTA concurrence is required for appraisals, is found in FTA Circular 5010.1E, Chapter IV. Management of the Award, Section 2. Real Property: <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e>. The full regulations are found in 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr24_main_02.tpl

Joint Development of Shared Facilities

FTA funds may also be used for shared development of an intermodal or mixed-use facility, with FTA support limited to those portions of the facility that are directly transit-related. If the facility will be used for functions other than transit, you must obtain MTA approval. Such use must be compatible with the approved purposes of the project and not interfere with intended uses of project assets. FTA encourages subrecipients to make incidental use of real property when it can raise additional revenues for the transit system or, at a reasonable cost, enhance system ridership.

FTA circular 7050.1A, “FTA Guidance on Joint Development” (December 2016), provides guidance on the use of FTA funds or FTA-funded real property for joint development: <https://www.transit.dot.gov/funding/funding-finance-resources/joint-development/joint-development-circular>.

DESIGN, ENGINEERING, AND CONSTRUCTION

Procurement of Design, Engineering and Construction Services

Requirements pertaining to third party contracting, including contracts for architectural and engineering services and construction, are outlined in Chapter 4, Procurement and Contracting.

Design

Accessibility Requirements

All transportation facilities constructed using FTA or MTA funds, including administrative buildings and passenger facilities such as bus stops and shelters, must be made accessible to individuals with disabilities. Facilities renovations must also be made accessible. If the renovation is made to an area that is key to passenger services, the subrecipient must also create an accessible path to the area unless such accessibility renovations would cost more than 20 percent of the total cost of renovations to the key area. The ADA guidelines for facilities accessibility are extensive and address travel paths, maneuvering space, counter heights, signage, information systems, and emergency aides.

The *ADA Standards for Transportation Facilities*, the Federal standards for designing accessible transit facilities adopted by the U.S. DOT based on guidelines issued by the U.S. Access Board, are found on the Access Board website at: <https://www.access-board.gov/guidelines-and-standards/transportation/facilities/ada-standards-for-transportation-facilities>.

Additional guidance is provided in Chapter 3 of the FTA ADA guidance circular, 4710.1: <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/americans-disabilities-act-guidance-pdf>.

The architect/engineer must provide certification that the facility is designed and constructed in accordance with ADA regulations.

Art in Transit Facilities

The FTA has in the past encouraged the incorporation of quality design and art into transit projects and until the passage of MAP-21 in July 2012, public art was an eligible capital cost as a part of planning, design, and construction activities. Since MAP-21, procuring sculptures or other items not integral to the facility is no longer an eligible expense. However, facility design, including unique shelter designs and functional elements such as seating or lighting, may be eligible for FTA funding. Inclusion of art in transit facilities presents opportunities to partner with other community organizations. It is strongly recommended that all public artworks be developed with input from the surrounding community, involving them in the creative process to the extent feasible.

Construction

Project Management

Subrecipients must have a Project Management Plan, including a Quality Plan for major capital projects. This plan should include timelines for all tasks, milestones, and quality assurance measures. For guidance on construction project management, refer to the following FTA resources:

- *Project and Construction Management Guidelines* (2016 update): <https://www.transit.dot.gov/funding/procurement/fta-project-and-construction-management-guidelines-2016>
- *Construction Project Management Handbook* (2016): https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Construction_Project_Management_Handbook_2016.pdf

Construction Project Compliance with the Davis-Bacon and Copeland “Anti-Kickback” Acts

In planning for the cost of construction, one factor to keep in mind is the requirement to pay prevailing wages and fringe benefits to laborers and

mechanics engaged in Federal construction projects valued at more than \$2,000. This is required under the Davis-Bacon Act, a Federal law that provides wage protection for non-government workers. All covered contracts must contain a wage determination issued by the Secretary of Labor per Department of Labor regulations (29 CFR Part 1, “Procedures for Predetermination of Wage Rates”). Prevailing wages vary for rural and metropolitan areas. Overtime pay (time and a half) is required when a work week exceeds 40 hours. Existing wage rates for all areas of the State are available through the MTA.

All Federally-funded construction contracts over \$2,000 must also include a provision for compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874), as supplemented by the Department of Labor regulations (29 CFR part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). This act prohibits subrecipients and contractors from inducing any individual employed in the construction, completion, or repair of public work to give up any part of the compensation to which he is otherwise entitled and requires reporting of all suspected or reported violations to the Federal awarding agency.

BUS STOPS

Bus stops are an important element of your service. Their location and design affect operations, safety, and the accessibility and attractiveness of your transit services. Bus stops should be located to serve customer travel needs, minimize safety risks, and meet minimum ADA accessibility requirements.

Location

Selecting new bus stop locations along a route should take into account the following factors:

- Spacing along the route - The MTA recommends that five to ten stops per mile be placed in urban areas (with a typical spacing of 750 feet between stops), four to six stops per mile be placed in suburban areas (with a typical spacing of 1,000 feet), and that stops be located “as needed” in rural areas.
- Location of major destinations along the route - Shopping, employment centers, apartment communities, medical facilities, etc. Permission will likely be required for utilization of any private property.
- Traffic safety - Including traffic controls at nearby intersections, traffic patterns, sight lines, etc.
- Pedestrian safety and access - Including sidewalks, curb cuts, lighting, etc..
- Availability of adequate right-of-way - To ensure that the feasibility of the bus stop meets the accessibility standards (discussed later in this chapter).

- Curb clearance - Clear access of the bus to the curb or adjacent property, not blocked by on-street parking.
- Operational effectiveness issues - Including relation to the nearest intersection, bus turning requirements, and re-entering the travel lane.

The MTA recommends placement of bus stops as close as possible to signalized intersections, with 250 feet recommended as a maximum distance on streets with heavier traffic volumes and higher speeds. Bus stops can be located before crossing the intersection (on the nearside), or after crossing an intersection (on the farside). The decision to locate a bus stop nearside or farside of an intersection has both operational and safety implications. In general, mid-block bus stops are discouraged as they do not offer the protection of a signalized intersection for street crossings. In rural areas and areas where traffic conditions are dangerous to crossing pedestrians, it may be desirable to design the route to eliminate the need for passengers to cross streets, such as the use of off-street stops. Off-street stops are also appropriate for destinations set far back from the roadway, such as hospitals and shopping malls.

Accessibility

Any bus stop improvements (i.e., installation of a shelter or landing pad) must meet ADA standards for accessibility. New bus stops must comply with ADA requirements.

In order for a bus stop to be accessible to a customer in a wheelchair, it must have a firm, stable, level landing surface at least eight feet deep (measured from the curb perpendicular to the street) and five feet wide (measured along the curb parallel to the street). If a passenger shelter is installed (and shelters have their own accessibility specifications), the shelter should not reduce this landing area. The U.S. Access Board bus stop accessibility standards can be found at <https://www.access-board.gov/guidelines-and-standards/transportation/facilities/ada-standards-for-transportation-facilities/chapter-8-special-rooms,-spaces,-and-elements#810> Transportation Facilities.

In addition, accessible pedestrian connections (including sidewalks and curb cuts) between the bus stop and nearby destinations are essential for full customer access. Although it is generally not the responsibility of LOTS to construct sidewalks, LOTS are urged to work closely with the responsible parties to ensure that sidewalk construction projects address the accessibility needs of transit users. This includes review of site plans that are under development for major retail developments, employment sites, medical facilities, and housing concentrations.

To the extent possible given existing pedestrian infrastructure, an accessible location should be chosen for any newly established stops that do not involve construction. If after exhausting all efforts to identify an accessible stop location, an accessible location is not available for a new stop due to sidewalk deficiencies, a basic stop (i.e., simple placement of pole and sign) may be established. However, if any physical improvements are made to the stop (such as installation of a shelter or landing pad), the stop must be made ADA accessible.

For stops located along municipal or State roads, LOTS should work with the jurisdiction to ensure that an accessible landing area and sidewalk connection is included within planned sidewalk improvements and addressed in the jurisdiction's Transition Plan. Under the ADA and Section 504, State and local governments with 50 or more employees are required to perform a self-evaluation of their current services, policies, and practices regarding ADA compliance. The public agency must develop a Transition Plan to address compliance deficiencies (including inaccessible sidewalks). This plan assesses the needs of individuals with disabilities, and then schedules the required pedestrian accessibility upgrades. The Transition Plan must be updated periodically. The Federal Highway Administration (FHWA) is the oversight agency for ADA compliance with regards to sidewalks, and the U.S. Department of Justice has enforcement responsibility. More information on FHWA requirements for accessible pedestrian facilities can be found at: <http://www.fhwa.dot.gov/civilrights/programs/ada.cfm>.

The U.S. Access Board is currently in the process of developing Guidelines for Pedestrian Facilities in the Public Right-of-Way. The proposed guidelines published in July 2011 are considered the current recommended practice for designing and improving sidewalks, curb ramps, and crosswalks. The proposed guidelines can be found at: <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines>

Keep in mind that customers who use wheelchairs are eligible for ADA paratransit services for those bus stops in your fixed-route systems that are not accessible to them. Therefore, establishing an inaccessible stop obligates the LOTS to provide ADA paratransit for customers who use wheelchairs wishing to travel to or from that stop location. In most cases, it is usually less costly and more customer-friendly to relocate or improve a bus stop so that it is accessible than it is to provide ongoing ADA paratransit services because of physical conditions at the bus stop. See Chapter 12 for more information on ADA paratransit requirements.

Additional resources on designing and assessing bus stops and sidewalks are provided at the end of this chapter.

Signage

The Maryland State Highway Administration (SHA) and many local governments have specific design and/or permitting requirements for posting signs and placing/creating bus stops. Before placing a bus stop sign, making roadside improvements, or publicly announcing a stop location (printed schedules), please check with the local government and/or SHA regarding specific requirements at each stop location. An example of a bus stop sign design preferred by SHA is provided in Appendix H.

Bus stop signs and other public signage are a key element of your system's presence in the community (and hence an important component of your marketing program). When posting new signs (either at new bus stop locations or in replacing existing signs), the ADA mandates certain signage characteristics (including sign height, letter size, and background contrast) that make them easier to read for individuals with low vision as

well as for customers with normal vision. Signage that is accessible to blind customers (such as raised lettering and braille) should be considered in communities with large populations of individuals who are blind.

Additional MTA guidance on bus stop signage is provided in Chapter 6. Additional resources on designing signage are provided at the end of this chapter.

Flag Stops

Some transit systems in rural areas allow “flag stops,” or stops which may be made at any location upon request by a customer and at the discretion of the driver. If flag stops are permitted on your routes, it is important to establish some basic policies on where they are and are not permitted, and communicate these policies to both drivers and customers. For example, some systems permit flag stops only nearside of intersections. The MTA recommends completely pulling off the roadway to make flag stops. Some drawbacks of permitting flag stops include the challenge of clarifying policies to passengers, potential misunderstandings between drivers and passengers, and the added distraction to drivers in needing to scan for potential passengers anywhere along the route. A transit service with unlimited flag stops has less control over adhering to the published schedule. There are also potential ADA implications when flag stops are made at inaccessible locations and individuals with disabilities are not able to use them alongside other customers.

Bus Stops within Larger Improvement Projects

Whenever land use, sidewalk, or intersection improvements are planned in areas which include an existing or planned bus stop, the transit system needs to be consulted in the location and design of the stop to ensure that the project results in a safe and accessible bus stop. Bus stop improvements and enhancements should be built into the larger site improvement whenever feasible.

Ideally, LOTS should have a role in planning future land uses and roadway designs in the community served by the transit system. The ability to efficiently and effectively serve a growing community with public transit is in large part determined by the land use patterns that emerge as a result of growth. Public transit is a critical component of a “livable community,” but without good land use planning, transit cannot stand on its own. Land use planning and development reviews are needed to make sure new development is transit-friendly, including easy access by the bus as well as the pedestrian.

Some jurisdictions and transit systems, particularly in urban areas, develop transit-friendly or transit-oriented design guidelines or standards that are shared with developers and land use planners to encourage incorporation of transit-friendly elements. Several examples are listed among the additional resources at the end of this chapter.

ADDITIONAL RESOURCES

FTA Circulars

- 4703.1, *Environmental Justice Policy Guidance For Federal Transit Administration Recipients* (2012) - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/environmental-justice-policy-guidance-federal-transit>
- 4710.1, *Americans with Disabilities Act: Guidance* (2015) - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/americans-disabilities-act-guidance-pdf>, Chapter 3 – Transportation Facilities
- 5010.1E, *Award Management Requirements* (2017) - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e>
- 5100.1, *Bus and Bus Facilities Program: Guidance and Application Instructions* (2015) - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/bus-and-bus-facilities-program-guidance-and-application>
- 7050.1A, *Federal Transit Administration Guidance on Joint Development* (2016) - <https://www.transit.dot.gov/funding/funding-finance-resources/joint-development/joint-development-circular>

ADA Standards

- *ADA Standards for Transportation Facilities*, U.S. Access Board (2006) - <https://www.access-board.gov/guidelines-and-standards/transportation/facilities/ada-standards-for-transportation-facilities>
- FHWA requirements for accessible pedestrian facilities - <http://www.fhwa.dot.gov/civilrights/programs/ada.cfm>
- *Proposed ADA Guidelines for Pedestrian Facilities in the Public Right-of-Way*, U.S. Access Board (2011) - <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines>

Construction Project Management

- *Project and Construction Management Guidelines* (2016 update) - <https://www.transit.dot.gov/funding/procurement/fta-project-and-construction-management-guidelines-2016>
- *Construction Project Management Handbook* (2016) - https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Construction_Project_Management_Handbook_2016.pdf

Bus Stops and Sidewalks

- *Improving Pathways to Transit for Persons with Disabilities*, Mineta Transportation Institute (2016) - <http://transweb.sjsu.edu/PDFs/research/1233-transit-access-for-persons-with-disabilities.pdf>
- *Better On-Street Bus Stops*, TCRP Synthesis 117 (2015) - http://www.tcrponline.org/PDFDocuments/tcrp_syn_117.pdf
- *Toolkit for the Assessment of Bus Stop Accessibility and Safety*, Easter Seals Project ACTION (updated 2014) – <http://www.nadtc.org/resources-publications/toolkit-for-the-assessment-of-bus-stop-accessibility-and-safety/>
- *Guidelines for the Design and Placement of Transit Stops*, Washington Metropolitan Area Transit Authority (2009) - https://www.wmata.com/pdfs/planning/Bus_Stop_Guidelines_Brochure.pdf
- *Bus Rapid Transit Stations and Stops*, APTA Standards Program Recommended Practice (2010) - <http://www.apta.com/resources/standards/Documents/APTA-BTS-BRT-RP-002-10.pdf>
- *Pedestrian Safety Guide for Transit Agencies*, FHWA (2008) - http://safety.fhwa.dot.gov/ped_bike/ped_transit/ped_transguide/transit_guide.pdf
- *Guidelines for the Location and Design of Bus Stops*, TCRP Report 19 (1996) – www.trb.org/news/blurbs_detail.asp?ID=2597

Signage Design

- *Toolkit for the Assessment of Bus Stop Accessibility and Safety*, Easter Seals Project ACTION (updated 2014), pages 24-26 – <http://www.nadtc.org/resources-publications/toolkit-for-the-assessment-of-bus-stop-accessibility-and-safety/>
- *Customer Information at Bus Stops*, TCRP Synthesis 17 (1996) – <http://www.trb.org/Publications/Blurbs/153678.aspx>
- *Guidelines for Transit Facility Signing and Graphics*, TCRP Report 12 (1996) - <http://www.trb.org/Publications/Blurbs/153834.aspx>

Examples of Transit-Friendly Design Guidelines

- Frederick County, Maryland's Transit-Friendly Design Guidelines - <https://www.frederickcountymd.gov/1720/Transit-Friendly-Design-Guidelines>
- City of Seattle's Transit-Friendly Design Guidelines - http://www.seattle.gov/dpd/cityplanning/vault/cs/groups/pan/@pan/documents/web_informational/s048192.pdf

- Accessing Transit: Design Handbook for Florida Bus Passenger Facilities - <http://www.fdot.gov/transit/Pages/2013AccessingTransitFinal.pdf>
- Transit Design Standards Manual: A Reference Guide, Transit Authority of River City - <https://www.ridetarc.org/docs/default-source/resource/transit-design-standards-manual.pdf>

Art in Transit Facilities

- “Best Practices for Integrating Art into Capital Projects,” APTA Recommended Practice (2013) - <http://www.apta.com/resources/hottopics/sustainability/Documents/APTA%20SU DS-UD-RP-007-13%20Integrating%20Art%20into%20Capital%20Projects.pdf>

CHAPTER 7: SUMMARY CHECKLIST

- ❑ Address facilities needs in your 5-year TDP and include them in your asset management plan.
- ❑ Let your MTA Regional Planner know as early as possible that you are intending to apply for facilities development funds. Obtain his or her guidance throughout the development process.
- ❑ Apply for technical assistance and planning funds to conduct a needs assessment, feasibility study, site assessment, and environmental work (as needed) through your ATP.
- ❑ Prepare a feasibility study including alternative site assessment and environmental work as required for your particular project.
- ❑ If land acquisition is part of your project, notify affected individuals and offer relocation assistance as required by the Uniform Relocation Act.
- ❑ Establish a Project Management Plan for major facilities projects.
- ❑ Comply with procurement requirements outlined in Chapter 4 when contracting for Architectural, Engineering, and Construction services.
- ❑ Design facility to address your agency's long-term service plans and expected organizational growth.
- ❑ Ensure that all new facilities and renovations meet ADA accessibility standards.
- ❑ Ensure that bus stops are placed in safe locations and to the extent possible, are accessible (new construction must be made accessible).
- ❑ Participate in development review process to ensure that new developments that will be served by transit include accessible bus stops and stop improvements.
- ❑ Ensure that new signage at passenger facilities, including bus stops, meet ADA signage accessibility standards for individuals with low vision. Consider installing tactile signs where feasible and demand exists.
- ❑ Establish facilities maintenance program to keep Federal- and State-funded facilities in good condition.
- ❑ Plan and budget for long-term facility replacements.
- ❑ Spend one percent of Federal funds annually for transit security projects, or certify that such projects are not needed.
- ❑ Conduct annual inventory of real property.
- ❑ Notify the MTA and FTA (if Federally-funded) when property is no longer needed for original purpose, and follow FTA/MTA disposition procedures.

8

HUMAN RESOURCES

This chapter summarizes requirements as well as MTA suggestions in a variety of areas that relate to managing one of the most important aspects of your system – your employees. Topics covered include:

- *Personnel Policies for Employees Required to Have Commercial Driver's Licenses (CDLs) and Other Drivers*
- *General Personnel Policies*
- *Requirements Related to Drug-Free Workplace and Drug and Alcohol Testing*
- *Collective Bargaining Protections*
- *Training*
- *Working with Volunteers*

Requirements related to Equal Employment Opportunity (EEO) and nondiscrimination are introduced in this chapter and described in detail in Chapter 13.

PERSONNEL POLICIES FOR EMPLOYEES REQUIRED TO HAVE COMMERCIAL DRIVER'S LICENSES (CDLs) AND OTHER DRIVERS

Appendix I provides a summary of the Federal Motor Carrier Safety Administration (FMCSA) requirements that pertain to CDL drivers and their employers, as well as other Federal Motor Carrier Safety Regulations (FMCSRs).

Background Checks

All applicants for driving positions should be subject to background driving record and criminal record checks. If applicable, out-of-state records should also be checked. All available safety, accident, and if necessary, criminal records should be investigated.

If a LOTS employs drivers of commercial vehicles, under 49 CFR Part 391 Subpart C, you must conduct background investigations of job applicants, including: checking the driving records from the past three years; investigating the driver's safety performance history with U.S. Department of Transportation (DOT)-regulated employers during the preceding three years, including accidents; and checking any 49 CFR Part 382 drug and alcohol violations.

Even if your organization does not have commercial motor vehicles, as a best practice, the LOTS should conduct background checks of new employees who transport passengers. LOTS also should establish and document specific criteria for background checks by employee type (e.g., operators, maintenance personnel, safety/security-sensitive, and contractors) – for example, which driving violations or criminal records would disqualify an applicant for a position at your organization?

Pre-Employment Road Test

Under 49 CFR Part 391 Subpart C, LOTS who employ drivers of commercial motor vehicles must administer a road test as part of the application process. Even if your organization does not operate commercial vehicles, as a best practice, LOTS should conduct road tests of potential new employees who could transport passengers.

Pre-Employment Drug Test

Individuals applying for a LOTS safety-sensitive position must test negatively on a pre-employment drug test. While prospective employees cannot be assigned or transferred to a safety-sensitive job function until they have a verified negative drug test, they can only be required to take a pre-employment drug test after they have been offered the position (at least conditionally). Further, the U.S. DOT regulations require the LOTS to make a good faith effort to obtain drug and alcohol testing records from previous employers for the prior two years for all applicants seeking safety-sensitive positions. More on these requirements are addressed later in this chapter under “Requirements Related to Drug and Alcohol Testing.”

Commercial Driver’s License

Under Federal and State regulations, a valid CDL is required to drive a commercial motor vehicle that is designed or used to transport 16 or more passengers, including the driver, or that has a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more.

The Federal CDL requirements are detailed in 49 CFR Part 383. For information on CDL requirements in Maryland, contact the Maryland Motor Vehicle Administration (MVA) at 1-800-950-1MVA (1-800-950-1682) or 301-729-4550. Maryland CDL information and forms are also available online at <http://www.mva.maryland.gov/Driver-Services/Apply/CDL/commercial.htm>. As an employer, you are responsible for verifying that an employee has a valid CDL before they operate a vehicle for which a CDL is required. Additionally, any LOTS who employ drivers with CDLs are responsible for verifying that their drivers meet minimum U.S. DOT physical qualifications before operating a commercial motor vehicle, as regulated under 49 CFR Part 391 and briefly summarized in the next section of this chapter.

Even if your organization is not required to conduct checks of driver CDLs prior to hiring drivers, as a best practice, the LOTS should check to ensure that all new hires have valid driver’s licenses (and CDLs if your organization has vehicles designed to transport 16 or more passengers including the driver).

U.S. DOT Physical for Drivers of Commercial Vehicles

Every two years, the drivers of the following commercial vehicles must pass a physical examination with certain requirements specified by the FMCSR in 49 CFR Part 391, Subpart E, and incorporated into the Maryland Motor Carrier Regulations:

- All drivers of vehicles for which a CDL is required,
- All drivers of vehicles designed or used to transport nine to 15 passengers (including the driver) across State lines (interstate) for direct compensation, and
- **All non-commercial drivers of commercial motor vehicles weighing 10,001 and up to 26,000 pounds must pass the DOT physical**, even if they only operate entirely within Maryland (intrastate service). Note that this weight range includes many body-on-chassis/cutaway-type vehicles designed to seat nine to 15 passengers.

The physical qualifications are detailed in 49 CFR Part 391, Subpart E. A U.S. DOT physical certification is issued upon passing the physical. This document must be carried by the CDL holder, or applicable non-CDL holder, while operating a commercial vehicle. The LOTS who employ drivers required to have CDLs are responsible for verifying that their drivers meet the minimum physical qualifications before operating a commercial motor vehicle and should track renewal needs for these documents and ensure that drivers renew them on a timely basis. For more information, refer to the FMCSA (1-800-832-5660, <http://www.fmcsa.dot.gov/>).

Even if your organization is not required to ensure drivers meet U.S. DOT physical qualifications, as a best practice, the LOTS should ensure that all employees who transport passengers have U.S. DOT physical certifications.

CDL Holders' Reporting Requirements

Under 49 CFR Part 383, §383.31, CDL holders are required to report any traffic violation for which they are convicted, except parking, to his/her employer within 30 days of the conviction, regardless of the nature of the violation or the type of vehicle that was driven at the time.

If a driver's license is suspended, revoked, canceled, or if he/she is disqualified from driving, the driver must notify his/her employer. This notification must be made by the end of the next business day following receipt of the notice of suspension, revocation, cancellation, lost privilege, or disqualification.

Employers may not knowingly use a driver who has more than one license or whose license is suspended, revoked, canceled, or is disqualified from driving. Violation of this requirement may result in civil or criminal penalties.

As a recommended best practice, LOTS are encouraged to take advantage of the Maryland MVA license flagging system on an ongoing basis, to be alerted to any traffic violations for which your employees may be cited. The MVA Driving Record Unit can be

reached at <http://www.mva.maryland.gov/about-mva/info/26300/26300-21T.htm>, or by calling 410-787-7758.

Fitness for Duty

Among the minimum physical qualifications for drivers established under the FMCSR, individuals are disqualified from driving if they have a condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle.

As a best practice, if a driver has suffered a medical incident, has been diagnosed with a serious health condition which could cause loss of consciousness or any loss of ability to control a vehicle, or has been off work for an extended period of time due to a health condition, the LOTS should require documentation of a driver's clearance for fitness for duty from a medical professional before allowing the driver to return to work. As part of the LOTS compliance with the U.S DOT physical medical certification for drivers, the LOTS should also be periodically checking their drivers' fitness for duty.

Maximum Driving Time for Drivers of Commercial Motor Vehicles

Under the FMCSA regulations (49 CFR Part 395), operators of commercial motor vehicles are subject to limitations on their driving hours and must document their hours. Such drivers may not be behind the wheel more than ten hours following at least eight hours off, with additional restrictions on hours per week based on days per week. They must also maintain a record of their duty status. For LOTS, this requirement can potentially be met by maintaining payroll records that address the recordkeeping requirements for driver record of duty; these recordkeeping requirements are detailed in 49 CFR Part 395, §395.8. These and other requirements are detailed in 49 CFR Part 395, which can be found on the FMCSA website through: <https://www.fmcsa.dot.gov/regulations/title49/b/5/3?menukey=395>. More information on FMCSA hours of service requirements can also be found at <https://www.fmcsa.dot.gov/regulations/hours-of-service>.

GENERAL PERSONNEL POLICIES

Personnel Policies Manual

The MTA strongly recommends that each LOTS develop a personnel policies manual to help maintain consistency in management. Even LOTS that are part of county or city government are encouraged to develop a manual to address personnel policies that are specific to the transportation department. While the LOTS are not required to have a personnel policies manual, they must be able to demonstrate that they meet several FTA transit employee training requirements as discussed throughout this chapter. A personnel manual is one of several acceptable means to provide this demonstration (at least in part). Review of the manual by legal counsel and your advisory board is strongly recommended. These policies should be formally approved and adopted by senior management. The manual should show the adoption dates of all policies and subsequent amendments, and be provided to all employees upon hiring. The manual

should also be updated periodically to incorporate changes in State and Federal laws (as well as locally-determined changes). Proposed changes in personnel policies should be posted for employee review and comment prior to adoption.

Job Descriptions

The MTA strongly recommends that the LOTS prepare job descriptions for all positions in the organization and include them in the personnel policy manual. Thorough job descriptions, detailing the typical duties and requisite knowledge, skills, and abilities, help attract the most appropriate applicants and provide a basis for assessing how well a job applicant's strengths match those needed for the job. They can also help protect your system by providing documentation of job requirements in the event that an individual files an unfounded complaint against your system's hiring practices. Finally, the LOTS or their parent human resource agency is required to submit employee classification information as part of Equal Employment Opportunity (EEO) compliance. Having job descriptions for your bus drivers and other positions is a prerequisite to supplying EEO job classification information.

Hiring Practices

Hiring qualified individuals is an important first step in ensuring a transit agency's success. To ensure the best possible method for filling a job vacancy, the MTA strongly recommends that the LOTS develop a uniform, written hiring policy. The policy should include details concerning whether available jobs are posted internally before opening to outside applicants, the creation of EEO-compliant job advertisements and applications, and appropriate interview/application questions. Special care should be taken to clearly define a permissible interview/application question, because those relating to race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, and disability are illegal. Some LOTS may have enhanced EEO program requirements. These requirements are addressed in Chapter 13. Additional hiring practices for drivers and all employees required to have a CDL (e.g., supervisors and mechanics) are described earlier in this chapter.

Employment Conditions

To ensure that your employees fully understand the conditions of their employment, the MTA strongly recommends that the LOTS create an employment policy and distribute the guidelines to employees. It is helpful to clearly illustrate the varying conditions of employment by grouping them according to job classification, i.e., temporary/contractual, probationary, hourly, salaried, and the "status under Federal overtime pay provisions." While policies will vary according to the structure and size of the LOTS, they can be used to address matters such as attendance requirements, break periods, lunch hours, overtime compensation, inclement weather notification, expense reimbursements, uniforms and appearance, leave policies, and disciplinary actions. It is especially important, and required, that the LOTS make adherence to the LOTS drug and alcohol policy a condition of employment.

Leave Policies

Each LOTS should provide employees with a comprehensive leave policy. Detailed leave policies help to eliminate confusion among employees about procedures for requesting leave time and the amount of time available to them. It may be easiest to structure your policy by job classification (i.e., contract/temporary, probationary, part-time, hourly, and salaried). Issues such as leave for holidays, vacations, sickness, civic duties (such as jury duty or military duty), bereavement, and maternity/paternity leave should be addressed. Careful attention should be given to Federal guidelines such as the Family and Medical Leave Act (FMLA) of 1993 (<http://www.dol.gov/whd/regs/statutes/fmla.htm>) which mandates leave entitlements, health benefits, and job restoration requirements.

Pay Plan

Each LOTS should establish a pay plan policy. A structured pay plan gives both employers and employees a comprehensive reference guide to salary, benefits, and compensation issues. LOTS must adhere to Federal and State guidelines concerning minimum wage requirements and overtime compensation.

Employee Incentive Programs

For employees who excel at their work, recognition programs encourage them to maintain high standards, and in some instances, push them to exceed these standards. In general, recognition programs provide some definitive reward for superior performance.

Keep in mind that a competitive incentive program by itself may not be adequate to provide the desired results in all employees. “Average” employees are often unmotivated by this type of program because they feel that they are not capable of receiving an award. Motivational programs may be of greater use for “average employees” as they place emphasis on psychologically influencing individuals to modify their behavior, rather than relying purely on pro-activism. Motivational programs should be structured so that there is a reasonable opportunity to win, low level peer pressure, no/low cost awards, team competition, and frequent cycles and feedback.

Performance Evaluations

The MTA strongly recommends that the LOTS adopt a policy and procedure for employee performance evaluations. Evaluations are valuable to all employees as they provide an opportunity for the assessment of an employee’s contribution to the transit organization and her/his personal career goals. As with all the above policies, the type, frequency, and documentation involved in a performance evaluation should reflect the structure and size of your LOTS. It is very important to keep written documentation of an employee performance review to protect your organization in the event of a legal dispute.

Disciplinary Actions

The MTA strongly recommends that the LOTS adopt policies detailing employee misconduct and its repercussions before problems occur. Both the type and severity of the offense should be considered when dispensing disciplinary action. One possible policy method is to create an escalating scale of disciplinary action (also known as progressive discipline) that can include:

1. A verbal warning,
2. A written reprimand,
3. Short-term suspension,
4. Long-term suspension,
5. Demotion,
6. Counseling, and/or
7. Dismissal.

This policy should be consistently followed by all managers. In order to create an equitable policy structure, an appeals process should be open to employees. Similar to the performance review, it is very important that you keep a written record of any disciplinary action taken against an employee. Documentation of an employee's past work history can be of great significance in a legal dispute. Disciplinary actions or consequences for positive drug and alcohol tests should be included in your disciplinary policy as the LOTS is required to have such actions already described in its written drug and alcohol policies.

Discrimination/Harassment

It is the responsibility of every transit organization to ensure that they are in compliance with Federal and State requirements and guidelines concerning discrimination and sexual harassment in the workplace. The Title VI and EEO requirements under the Civil Rights Act of 1964 are described in Chapter 13.

Employers may not discriminate in any aspect of employment, including but not limited to, hiring and firing, testing, recruitment, and promotion. Employers may not discriminate against any individual based on race, color, religion, sex, national origin, disability, age, genetic information, or veteran status. In addition, there are numerous steps that an organization must take to assure authorities that EEO policies are actively practiced. Transit organizations must create and disseminate a statement of policy, appoint an EEO officer, participate in compliance reviews, and be subject to remedial actions in the case that EEO guidelines are not being met. The LOTS that meet the threshold for a formal EEO program will be required to perform a statistical assessment of employment practices to include hiring, discipline, dismissal, and promotion. The LOTS, depending on the threshold requirements they have to meet, will also be required to perform a utilization analysis to gather information about minority employment in job categories and use the utilization analysis to assess the reasons for underutilization (see Chapter 13). Employees should be made aware of the fact that the Equal Employment Opportunity Commission (EEOC) has established a grievance process that can be accessed at the Federal, State, and local levels.

Sexual harassment in the form of unwanted sexual advances, requests for sexual favors, and other verbal/physical conduct of a sexual nature violates Title VII of the Civil Rights Act of 1964. Employers should institute a zero tolerance policy towards any form of sexual harassment, provide training for all employees on this policy, and create a grievance system for individuals who wish to issue complaints.

The ADA and Reasonable Accommodations

Titles I and V of the ADA prohibit employment discrimination against qualified individuals with disabilities in the private sector, as well as in State and local governments. Employers with 15 or more employees are required to provide reasonable accommodation for individuals with disabilities, unless it would cause undue hardship. A reasonable accommodation is any change in the work environment or in the way a job is performed that enables an individual with a disability to enjoy equal employment opportunities. All LOTS must have a policy on nondiscrimination on the basis of disability as part of their employment policies/EEO policy, and the policy of those with 15 or more employees should address reasonable accommodation. (See Chapter 13,)

Grievance Procedures

All LOTS are required to establish formal complaint procedures as part of their EEO program and post procedures in conspicuous places. Grievance procedures are an important method for settling a multitude of conflicts in the workplace. While the format itself is flexible, the policy should insure that all disputing parties have an equal opportunity to voice their discontent with an expectation of confidentiality.

The EEO program requirements include formal procedures for receiving, processing and handling complaints related to discrimination. The LOTS can address this requirement through a complaint procedure that also addresses complaints related to grievances other than discrimination.

As indicated in Chapter 13, the LOTS must notify the MTA *immediately* of any EEO complaints and will be required to submit a quarterly EEO complaint log. Also, the LOTS must report any EEO complaints (and the disposition of those complaints) as part of the ATP certification and assurances, so recordkeeping of complaints is necessary.

Recordkeeping

In order to keep an organized record of an employee's work history, it is recommended that the LOTS create a personnel records policy. The policy should detail the types of documents to be included in the file, the people who have access to the file, and the process for employee viewing. Due to the personal nature of the documents (job applications, performance evaluations, etc.), personnel files should be considered confidential material and accessible only to those individuals stated in the policy. Federal regulations, under the Fair Labor Standards Act (FLSA, <https://www.dol.gov/whd/flsa/>), require a basic list of records that an employer must maintain for each employee:

- Full name and social security number
- Address, including zip code
- Birth date, if younger than age 19
- Sex and occupation
- Time and day of week when employee's work week begins
- Hours worked each day
- Total hours worked each work week
- Basis on which wages are paid (e.g., by hour or week)
- Regular hourly pay rate
- Total daily or weekly straight-time earnings
- Total overtime earnings for the work week
- All additions to or deductions from wages
- Total wages paid each pay period
- Date of payment and the pay period covered by the payment

When employee labor hours and benefits are charged to a grant, the LOTS has an obligation to maintain timecards/sheets supporting those charges for a period of at least three years following grant closeout.

In addition, the MTA recommends that the following records be maintained for each employee:

- Training completed, including dates, topics, instructors, proficiency evaluations, and certifications received as a result. This should include documentation that the system has provided a minimum of 60 minutes of training for all safety-sensitive employees on the effects and consequences of prohibited drug use. Note: LOTS are required to keep training records for drug and alcohol and ADA purposes,
- Copy of the employee's current driver's license and U.S. DOT physical certification card, if appropriate (with expiration dates tracked),
- Log of accident/incidents and determination of preventability, and
- Performance evaluations.

The LOTS must report EEO complaints to the MTA as part of their ATP; therefore, recordkeeping is needed to track complaints for this annual report. Further, LOTS that meet Federal EEO thresholds must have a formal monitoring and reporting system. For more information, see Chapter 13.

REQUIREMENTS RELATED TO DRUG-FREE WORKPLACE AND DRUG AND ALCOHOL TESTING

Drug-Free Workplace

The Drug-Free Workplace Act (DFWA) of 1988 (41 U.S.C. Sections 701 et seq.) and 49 CFR part 32 mandate that all Federal grantees host a drug-free environment. Providing a drug-free environment is in the best interest of your organization as it promotes a level of safety and comfort within the workplace. There are several components involved in complying with these laws:

- Employers must publish and disseminate a policy statement informing their employees that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance that is prohibited in the workplace.
- Employers must establish a drug-free awareness program including informing employees of the dangers of drug abuse and available drug counseling, rehabilitation, and employee assistance programs.
- Employees must be informed as a condition of their employment that they must abide by the policy, including notifying their employer of a drug conviction within five days.
- Employers must notify the MTA of an employee's drug conviction within ten days.
- Employers must impose a penalty on an employee or require participation in a drug abuse assistance program for convicted employees.
- Employers must "make an on-going, good faith effort to maintain a drug-free workplace by meeting the requirements of the Act."

The preceding is merely a basic outline of the government's requirements. For specific regulations you should refer to the law (<https://www.gpo.gov/fdsys/granule/USCODE-2009-title41/USCODE-2009-title41-chap10-sec701/content-detail.html>) as well as informative websites listed at the end of this chapter.

Federal Drug and Alcohol Testing Regulations

There are two sets of Federal regulations related to drug and alcohol testing and training for public transit service operators:

- **FTA regulations (49 CFR Part 655, as amended)** - *Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations* includes required substance abuse programs and procedures that apply to transit agencies and their contractors that receive FTA public transportation funds (including Sections 5307, 5311, and 5339). The LOTS must have an FTA drug and alcohol testing program in place for all safety-sensitive employees. The FTA-mandated drug and alcohol testing program is separate from, and in addition to, the provisions of the DFWA discussed above (although both can be covered in the same policy). It is important to note that the DFWA requirements apply to all employees while the testing program applies only to employees in safety-sensitive positions. All

covered employees who perform safety-sensitive duties must have a negative pre-employment drug test prior to conducting these duties.

- **U.S. Department of Transportation regulations (49 CFR Part 40, as amended)** - *Procedures for Transportation Workplace Drug and Alcohol Testing Programs* prescribes the testing methods that apply to testing procedures for DOT covered employees (not just FTA).

In addition, **FMCSA regulations** (49 CFR Part 382) apply to vehicle operators holding CDLs (including Section 5310 subrecipients and SSTAP providers that do not receive FTA funds but are operating a vehicle that is sized to require a CDL). Requirements under the FMCSA Part 382 drug and alcohol regulations are not addressed in this manual, but can be found online on the FMCSA website at www.fmcsa.dot.gov under “Rules & Regulations.” While the FMCSA regulations are similar to the FTA regulations, some differences do exist. A LOTS receiving any FTA transit funding (except 5310) must apply the FTA rules. The FTA and FMCSA have agreed that transit agencies with safety-sensitive employees holding CDLs are covered by the FTA drug and alcohol regulations.

FTA Drug and Alcohol Testing Program Requirements

All LOTS receiving Section 5307, 5311, and/or 5339 funding must develop and implement an FTA-compliant drug and alcohol testing program. FTA has developed a drug & alcohol policy building tool: <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/PolicyBuilder/CreatePolicy.aspx>. We highly recommend that you use this as the first source in building your drug and alcohol programs.

Important: The content of this chapter should not be perceived as complete guidance on how to develop a drug and alcohol program. FTA drug and alcohol testing program requirements are subject to change. The LOTS are responsible for keeping up with the current requirements and must consult with their human resource agency to develop and maintain a current FTA compliant drug and alcohol testing program. Details, up-to-date information, and guidance on how to establish a comprehensive drug and alcohol program are provided by the following resources:

- 49 CFR Part 40, as amended - *U.S. DOT Procedures for Transportation Workplace Drug and Alcohol Testing Programs* - http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr40_main_02.tpl
- 49 CFR Part 655, as amended - *Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations* (note that minimum random test sampling rates are updated annually) - http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr655_main_02.tpl
- FTA's *Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit* (latest revision was published October 2009) - <https://www.transit.dot.gov/oversight-policy-areas/implementation-guidelines-drug-and-alcohol-regulations-mass-transit-october>

- FTA's *Drug and Alcohol Regulation Updates*, a quarterly electronic newsletter to which all LOTS should subscribe. Back issues are available online through the FTA website -<https://www.transit.dot.gov/regulations-and-guidance/safety/drug-alcohol-regulation-update-newsletters>.

This chapter presents a summary overview of the Federal requirements at the time of the LOTS manual publication; however, the LOTS should refer to current FTA and U.S. DOT publications for complete and most up-to-date information.

Applicability

All FTA-covered employers are required to be in compliance with the FTA regulations and DOT testing procedures. Transit operators may go beyond these requirements to incorporate additional features that are not mandated by the FTA. However, the FTA requires that operators make employees aware of those policies and procedures that are outside FTA requirements and being imposed by local authority.

These requirements are not dependent on the size of the transit agency, the number of vehicles in the fleet, or the number of employees, but are slightly different for systems operating in rural and small urban areas.

Two notable exclusions are:

- Maintenance contractors of rural operators (Section 5311) and small urban operators (Section 5307/5309/5339 grantees that serve areas with populations under 200,000) are excluded.
- Taxi operators are excluded when the patrons are allowed to choose the taxi company that provides the service (also known as user-side subsidies). However, the regulations do apply to taxi operators when the transit provider has a contract with a taxi company to provide service as part of the public transit service.

Volunteers in safety-sensitive positions are subject to these requirements if the volunteer:

- Is required to hold a CDL license to operate the vehicle, or
- Receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

LOTS with operations contractors are responsible for ensuring that their contractors comply with these requirements.

Safety-Sensitive Positions

Safety-sensitive employees are those who:

- Operate a revenue service vehicle, including when not in revenue service,
- Operate a non-revenue service vehicle when required to be operated by a holder of a CDL,
- Control the dispatch or movement of a revenue service vehicle,
- Maintain a revenue service vehicle or equipment used in revenue service (unless the recipient receives funding under Sections 5307, 5311, and 5339 and serves an area of less than 200,000 in population and contracts out such services), and/or
- Carry a firearm for security purposes.

Program Elements

In brief, the FTA regulation requires the following elements:

- A written policy statement on prohibited drug and alcohol use in the workplace including consequences.
- An employee and supervisor education and training program.
- A drug and alcohol testing program for prohibited substances for employees and applicants for safety sensitive positions.
- Referral of employees who have violated the drug and alcohol regulations to a Substance Abuse Professional.
- Administrative procedures for recordkeeping, reporting, releasing information, and certifying compliance.

Each of the above program elements is briefly described below.

Policy Statement

Each of the LOTS must adopt a policy statement on substance abuse in the workplace. This policy must be formally adopted by the local governing board. For LOTS that are part of a county or city, this means that the city or county council or commissioners must adopt the policy. For LOTS that are part of a private-non-profit agency, the agency's board of directors would formally adopt the policy. Note that only an employer can establish a policy for its employees. Therefore, if the LOTS contracts out their safety-sensitive functions, those covered employees are under the contractor's policy (although the LOTS will be responsible for ensuring that their contractor's drug and alcohol policy is FTA complaint, and thus, the LOTS must retain approval authority over the contractor's policy).

At a minimum, the policy statement must include:

- The identity of the individual, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.
- Categories of employees who are subject to the FTA program provisions.
- Specific information concerning the prohibited behavior and conduct.
- Specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse.
- Procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee (i.e., testing procedures that are consistent with 49 CFR Part 40).
- Statement of the requirement that a covered employee must submit to drug and alcohol testing as a condition of employment.
- Description of the behaviors and circumstances that constitutes a refusal to test and a statement that refusal to test is a violation of the employer's policy. Instead of listing all refusals, the policy may state that refusals to test are listed in 40 CFR Part 40, as amended, or 49 CFR 40.161 as amended for urine collections and 49 CFR 40.261 as amended for breath tests. The policy should then state that a copy of 49 CFR Part 40 is available upon request.
- Consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater; or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.
- The consequences for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04, as set forth in 49 CFR Part 655.
- Notification of any implementation elements of an anti-drug use or alcohol misuse program that are not required by FTA.

FTA rules are very specific in terms of who must be tested, under what circumstances, how the tests must be conducted, and the actions that transit operators must take in response to a positive test. An overview of the steps that the LOTS must take to comply with the FTA rules is presented below (see FTA guidance for a detailed description of the FTA testing requirements). LOTS may go beyond FTA requirements as long as employees are made aware of those policies and procedures that are outside FTA requirements and are being imposed by local authority.

Training

The FTA requires an education and training program for all covered employees, including all safety-sensitive employees, and training for all supervisors and other company officers authorized to make reasonable suspicion determinations. The education component requires each employer to display and distribute informational materials about the effects of drugs and alcohol to every covered employee, as well as a community service hotline telephone number (if available) to help employees who may be experiencing problems with prohibited drug use or alcohol misuse. Sources of informational materials and hotlines include your Employee Assistance Program (EAP) as well as organizations listed on pages 5-2 and 5-3 of the 2009 edition of FTA's *Implementation Guidelines for Drug and Alcohol Requirements in Transit*.

Supervisors: Supervisors must be trained to recognize the physical, behavioral, speech, and performance indicators of probable drug use and alcohol misuse. At least 60 minutes of this training must be focused on drugs and 60 minutes focused on alcohol (thus a minimum of two hours). Supervisors also need to be trained in the FTA rules, the formal employer policy concerning drug and alcohol use, the testing procedures, and the procedures to follow in the event an employee refuses to be tested or tests positively.

Employees: Safety-sensitive employees must receive at least 60 minutes of training that explains the effects and consequences of prohibited drug use on personal health, safety, and the work environment. The training must also address the signs and symptoms that may indicate substance abuse, the formal employer policy concerning drug and alcohol use and testing procedures, and the community hotline telephone number. It should also address the use of prescription drugs as potentially hazardous in the workplace. This training should be provided before drivers go on the road (i.e., as part of new-hire orientation training). Training of safety-sensitive employees in the effects and consequences of alcohol misuse is not required by the FTA regulation. However, information concerning the effects of alcohol misuse on the individual's health, work, and personal life, as well as the signs and symptoms of an alcohol problem, must be included in the general education program.

Timing and documentation: LOTS should be prepared to offer the required drug and alcohol training annually and/or as new employees enter their systems or transfer into safety-sensitive positions. LOTS must document their required training, including when the training occurred, who took the training, and what the employees were trained in (e.g., the curriculum).

Service agents: LOTS are responsible for ensuring that the service agents who provide the testing services are appropriately educated and trained. This includes urine specimen collectors, breath alcohol technicians (BAT), screen

test technicians (STT), Medical Review Officers (MRO), and Substance Abuse Professionals (SAP). The 2009 FTA *Implementation Guidelines for Drug and Alcohol Requirements in Transit* provides details on the minimum training requirements for each type of service agent; however, this manual is somewhat outdated because revisions were made to the MRO requirements in the 2010 version of 49 CFR Part 40.

Testing

As part of the FTA requirements for the prevention of drug and alcohol use in transit operations, the FTA mandates drug testing for all individuals who perform safety-sensitive functions. This includes employees, transferees, and contractors (with exemptions for volunteers, user-side subsidy providers, and maintenance contractors in rural and small urban areas). There are a number of procedures that need to be followed in order to maintain compliance with FTA standards. Testing procedures are intended to protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results and ensure the test results are attributed to the correct employee.

Types of Tests

At its most basic level, drug and alcohol testing must be done in the following circumstances:

1. Pre-employment (drug testing only) – For applicants for employment in safety-sensitive positions as well as individuals being transferred into safety-sensitive positions from non-safety-sensitive positions. Operators must have received a negative pre-employment test before any employee performs a safety-sensitive function (pre-employment alcohol testing is not required by the FTA, but is allowable).
2. Reasonable suspicion – Must be based on observations concerning the appearance, behavior, speech, or body odor of the safety-sensitive employee.
3. Post-accident – Following any accident where there is loss of life associated with the operation of a revenue service vehicle. Also required following certain non-fatal accidents that result in bodily injury that requires emergency medical transport away from the scene or disabling damage to a vehicle resulting in towing the vehicle from the scene (unless employee performance can be discounted completely as a contributing factor). The testing must be conducted as soon as possible following the accident (preferably within two hours, but no later than eight for alcohol and 32 for drug testing).
4. Random – Using a scientifically valid random-number selection method to select safety-sensitive employees to test; with tests spread

reasonably throughout the year and over days and hours of operation. The number of random drug and alcohol tests to be conducted each year are subject to annual review by the FTA. Minimum testing rates are published in the *Federal Register* and announced in FTA's *Drug & Alcohol Regulation Updates*. They are also posted on the FTA website at <https://www.transportation.gov/odapc/random-testing-rates>. As of March 2017, the FTA testing rates are 25 percent of the number of safety-sensitive employees for drugs and ten percent for alcohol.

5. Return-to-duty – Following a verified positive drug test result, an alcohol result of 0.04 or greater, a refusal to submit to a test, or any other activity that violates the regulations, before the individual can return to safety-sensitive employment. This is required of employers that have a second-chance program.
6. Follow-up – For employees who are allowed to return-to-duty, unannounced follow-up testing for up to 60 months. The frequency and duration of the follow-up testing will be recommended by the SAP with a minimum of six tests performed during the first 12 months. As with return-to-duty testing, this only is required of employers that have a second-chance program.

Testing Procedures

- **Drug Testing Procedures** – Under the current DOT regulations (49 CFR Part 40 updated August 8, 2016), employers are required to conduct urine tests for the following types of drugs:
 - Marijuana,
 - Cocaine,
 - Amphetamines [including methylenedioxymethamphetamine (MDMA), also known as ecstasy],
 - Opioids, and
 - Phencyclidine (PCP).

The Department of Health and Human Services (DHHS) establishes the minimum threshold levels for each of the drugs tested under U.S. DOT testing programs including the FTA; these drugs and levels were updated in 2010.

The regulations define very specific testing procedures, including initial (screening) and follow-up (confirmatory) tests. In order to conduct these tests in compliance with Federal regulations, the LOTS will need to make arrangements for DOT-compliant specimen collection, laboratory testing, a DOT-qualified MRO, and an SAP.

- **Alcohol Testing Procedures** – Under FTA rules, employers are required to conduct breath alcohol testing that consists of an initial screen test that,

if not negative, is followed by a confirmatory test. Only saliva and breath tests using approved devices are authorized for confirmatory alcohol tests (urine and blood tests are not allowed for alcohol testing). The equipment used to conduct these tests must be operated by technicians specifically trained in their use. Alcohol testing sites must meet certain requirements and specific testing procedures must be followed.

Laboratories, MROs, and other service agents must file specific documentation and reporting procedures, including a semi-annual laboratory report, to employers and the U.S. DOT.

The LOTS, as employers, are responsible for ensuring that all aspects of the drug and alcohol testing program comply with 49 CFR Part 40, and should closely monitor contractors to ensure their compliance.

More direction on how to establish the testing procedures can be found in the FTA's *Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit*.

Consequences of Testing Positive or Refusing to be Tested

The FTA regulations require that any individual with a positive drug test or a breath alcohol concentration of 0.04 or greater, or who refused a test, must be immediately removed from their safety-sensitive position and referred to a SAP. The employer must provide the services of a SAP even if the employee is terminated.

Before allowing the employee to resume performing a safety-sensitive function, the employer must ensure that the employee meets the requirements of 49 CFR Part 40 for returning to duty, including taking a return-to-duty drug and/or alcohol test and submitting to follow-up testing.

A covered employee who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04 may not perform safety-sensitive functions until his or her alcohol concentration measures less than 0.02, or before the start of the employee's next regularly scheduled duty period (but not less than eight hours following administration of the alcohol test).

Administrative Procedures

There are a number of procedural, administrative, and certification components to be followed. These are specified in 49 CFR Part 655 Subpart H—Administrative Requirements and explained in FTA's *Implementation Guidelines for Drug and Alcohol Requirements in Transit*. If a LOTS utilizes a contractor (e.g., First Transit), you must make sure the contractor is also in compliance.

Each LOTS should have one individual designated as the Drug and Alcohol Program Manager (DAPM) who is responsible for administering the program. The DAPM is often responsible for recordkeeping, reporting, administering, and scheduling the random testing process, and serving as the Designated Employer Representative (DER). Designating a DAPM as a single point of contact for the program is critical.

One important administrative function pertains to the hiring process: All DOT covered employers must make good faith efforts to obtain drug and alcohol testing records for the previous two years for all applicants seeking safety-sensitive positions. You must ask all applicants/transferees whether he/she has tested positive, or refused to test, on any U.S. DOT pre-employment drug or alcohol test administered by a U.S. DOT covered employer for which they did not get the job within the past two years. You must then require that each applicant or employee transfers for safety-sensitive positions complete a written consent that allows their previous employers to release drug and alcohol testing information to you. If the applicant/transferee refuses to provide this written consent, you must not permit him/her to perform safety-sensitive functions. It also requires that you submit the applicants/transferee's written consent along with a request for information to each of the U.S. DOT-regulated employers who have employed the applicant/transferee during any period during the two years before the date of the employee's application or transfer. The information that must be sought includes:

- Alcohol test results of 0.04 alcohol concentration or greater;
- Verified positive drug tests;
- Refusals to test;
- Other violations of FTA/DOT rules; and
- As appropriate, documentation of the successful completion of U.S. DOT return-to-duty requirements including follow-up tests.

If the previous employer does not have this information, this documentation must be sought from the employee. A form letter which provides the applicant's written consent and requests the required information from the former employer is provided in Attachment 8.A.

If feasible, you must obtain and review this information before the employee performs safety-sensitive functions. If this is not possible, you must make and document a good faith effort to obtain the information. If the information obtained from a previous employer includes any drug or alcohol test information that indicates a non-negative test result or violation of the DOT/FTA regulations, you may not allow the employee to perform safety-sensitive duties unless you have obtained documentation that the employee has complied with the return-to-duty requirements including SAP assessment, successful treatment, negative return-to-duty test, and follow-up tests. All information received and documentation of good faith efforts must be kept as a confidential record and maintained for a minimum of three years. Likewise, if you are requested to provide information regarding a previous employee

and the employee has provided written consent, you are required to provide the requested information. The information must be released in a confidential manner and you must maintain a written record of the information released.

The LOTS must maintain records documenting their testing program consistent with the FTA requirements. Furthermore, in accordance with the FTA Drug and Alcohol Management Information System (MIS) Program, reports concerning alcohol and drug testing must be prepared annually using either MIS forms or MIS software. All LOTS are required to complete the annual online FTA MIS form by March 15 for the prior year reporting period. The MTA annually notifies the LOTS of when the MIS report is due as well as the LOTS requirement to submit their annual drug and alcohol certification letter. The LOTS are required to submit both the annual certification letter and the MIS report to the MTA Office of Human Resources by February of each year for the preceding year. This regulation applies to all direct recipients, subrecipients, and contractors of FTA funding sources administered by the MTA. Transit agencies are required to collect the forms from each of their contractors. All testing results are considered confidential and should be accessible only to those individuals stated in an in-house policy.

The MTA also requires that the LOTS submit quarterly drug and alcohol reports to the MTA using the form in Attachment 8.B, which is separate from the MIS form.

Additional Information on FTA Drug and Alcohol Testing Program Requirements

In addition to the regulations and resources listed at the beginning of this chapter the FTA has published guidance resources including best practices manuals, a prescription and over-the-counter medications toolkit, guidelines for urine specimen collection, SAPs, reasonable suspicion referral for supervisors, and other topics. These resources are listed with links for downloading at the end of this chapter.

The LOTS are reminded that marijuana remains a Federally-banned and tested substance for safety-sensitive employees, and safety-sensitive employees must be tested for marijuana use under FTA regulations regardless of local or State ordinances/laws allowing such use. Use of "medical marijuana" does not constitute a valid medical explanation under Federal law and will be considered a positive drug test result.

It is important to be aware that this refers to leaf-based marijuana. Chemical positive tests that involve prescription use of the pill form known as Marinol (dronabinol) may be downgraded by MROs (i.e., a negative test result). Under 49 CFR Part 40, §40.137, MROs must offer the employee an opportunity to present a legitimate medical explanation in positive test results, and the employee has the burden of proof that a legitimate medical

explanation exists. If the MRO determines that there is a legitimate medical explanation, the MRO must verify the test result as negative. However, the MRO may have a responsibility to raise fitness-for-duty considerations with the employer if the test results indicate that continued performance by the employee of his or her safety-sensitive function is likely to pose a significant safety risk (see §40.327). This is at the MRO's professional discretion.

COLLECTIVE BARGAINING PROTECTIONS

Public transit organizations that receive financial assistance from certain Federal programs, including Sections 5307 and 5311, must comply with employee protective arrangements. Employee protections include: "the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise, the continuation of collective bargaining rights, the protection of individual employees against a worsening of their positions related to employment, assurances of employment to employees of acquired mass transportation systems, assurance of priority of re-employment of employees whose employment is ended or who are laid off, and paid training or retraining programs." In other words, employment conditions for employees of LOTS that receive FTA funding cannot be reduced as a result of the FTA funding grant, and collective bargaining rights of employees (e.g., through a labor organization or union) are protected. LOTS receiving S.5311 funds must certify fair and equitable arrangements to protect the interests of transit employees affected by the FTA projects by signing a special warranty, as required under 49 U.S.C. 5333(b). This warranty is referred to as the Special Section 5333 (b) Warranty, and was formerly called the Special Section 13 (c) Warranty.

49 U.S.C. 5333(b) is found online at <https://www.dol.gov/olms/regs/compliance/statute-sect5333b.htm>.

More information is available on the U.S. Department of Labor (DOL) website at <http://www.dol.gov/olms/regs/compliance/compltransit.htm>.

Provisions of the National (Model) Agreement for Incorporation in the Special Section 5333 (b) Warranty

The Model (or National) Agreement refers to the agreement executed in 1975 by representatives of the American Public Transportation Association and the Amalgamated Transit Union and Transport Workers Union of America. The agreement was intended to serve as a ready-made employee protective arrangement for adoption by local parties in specific operating assistance project situations. The U.S. DOT determined that this agreement provides fair and equitable arrangements to protect the interests of employees in general purpose operating assistance project situations and meets the requirements of 49 U.S.C. 5333(b).

The provisions of the National (Model) Agreement Pursuant to Section 13(c) of the Urban Mass Transportation Act of 1964, as amended, are found on the U.S. DOL website at <http://www.dol.gov/olms/regs/compliance/agreement.htm>.

The Special 5333(b) Warranty

The Special Warranty is specifically for grantees and subgrantees under the Section 5311 (Rural/) program (as well as the former Over-the-Road Bus Accessibility program, although this was eliminated with the passage of MAP-21 in 2012). The warranty arrangement represents the understandings of the U.S. DOL and U.S. DOT in 1979, with respect to the protections to be applied for such grants. Originally known as the Special 13(c) Warranty under the Urban Mass Transportation Act (UMTA), it includes the provisions of the National Model Agreement. This warranty details labor issues such as collective bargaining and the rights of employees who are dismissed or displaced from their jobs. The provision stipulates that the “collective bargaining rights of employees, including the right to arbitrate labor disputes and to maintain union security and checkoff arrangements,” are preserved. The provision also defines the differences between a displaced and a dismissed employee and computes the accurate allowance for each type of individual. Furthermore, the provision sets the terms for the allowances as well as coverage related to employment effected changes of residence.

The certification agreeing to the labor provisions in the Section 5333(b) Warranty is signed with the certifications and assurances submitted with the LOTS annual grant application. As part of the application, Section 5311 applicants must identify labor organizations representing transit employees, the labor organizations representing employees of other transit providers in the service area, and a list of those transit providers.

The warranty language was updated in January 2011 and can be found online at http://www.dol.gov/olms/regs/compliance/transit/07_Special_Warranty.htm.

Notice to Employees

Section 5311 recipients are required to post, in a prominent and accessible place, a notice stating that the Recipient has received Federal assistance under the Federal Transit Act and has agreed to comply with the provisions of Section 5333(b) of the Act. This notice shall also specify the terms and conditions set forth in the annual certifications and assurances for the protection of employees. A sample notice is provided at the end of this chapter (Attachment 8.C).

TRAINING

The MTA strongly recommends that LOTS develop and implement both initial training and continuous learning programs. A well-trained staff is an indispensable asset to any organization as it helps to foster an effective and quality-driven work environment. One percent of the total Federal funding each LOTS receives must be used for training.

Driver Training

At a minimum, the following topics are recommended for new drivers before being placed in revenue service:

- Traffic regulations
- Defensive driving
- Vehicle orientation for each type of vehicles used
- Pre- and post-trip inspections
- Driving maneuvers (including stopping, turning, backing, and defensive maneuvers)
- Route orientation (on-the-road training prior to operating revenue service)
- Fare policies and collection
- Customer service
- Passenger assistance, including use of lift and wheelchair securement (as required by the FTA under the ADA)
- Sensitivity towards individuals with disabilities (as required by the FTA under the ADA)
- Drug and alcohol awareness (as required by the FTA)
- Communications
- Recordkeeping
- Non-discrimination (Title VI)
- Other standard operating policies and procedures
- Emergency procedures:
 - Accidents/Incidents
 - CPR/first aid (required by some human service funding sources)
 - Bloodborne pathogens awareness/bodily fluid clean-up
 - Vehicle evacuation
 - Security incident response
 - Emergency communications

Additional training may be appropriate, depending upon your services, customers, and driver responsibilities:

- Map reading skills
- Behavior management
- CDL test preparation
- Preventive maintenance

Training should not be limited to newly hired drivers. Veteran drivers can benefit from periodic “refresher” training to help improve and maintain safe driving skills. Recommended refresher training includes:

- Remedial training following an accident or incident at which the driver was at fault,
- Defensive driving focused on seasonal driving hazards (e.g., winter weather), and

- Training on new policies, procedures, or Federal/State regulations.

Training can be conducted in-house or off-site and can be in coordination with another agency. It is recommended that each LOTS develop a checklist of training topics that documents the number of hours spent in training for each employee. The checklist should have both the trainer and the trainee sign off verifying participation or completion of each topic area.

Transportation Association of Maryland (TAM)

TAM hosts an annual conference that offers professional development workshops and peer-to-peer networking opportunities. All LOTS are encouraged to attend, share their expertise with others, be involved in the TAM organization, and enhance the excellence of their organization in their jurisdiction as well as across Maryland. Information about the TAM conference is available on the TAM website at <http://taminc.org/>.

MTA-Sponsored Training

The MTA sponsors periodic training workshops for LOTS staff of programs funded by Section 5311. Other LOTS and Section 5310 recipients may attend these sessions on a space-available basis. This training is often funded by Maryland's Rural Transit Assistance Program (RTAP).

Maryland RTAP training is usually offered in conjunction with the annual TAM conference as well as at other times throughout the year. Also, training opportunities offered through the RTAP programs in neighboring States may be open to Maryland LOTS. Information about upcoming Maryland RTAP-sponsored training is distributed to all LOTS and typically announced on the TAM website (<http://taminc.org/>).

MarylandTRAIN

This is an MTA-sponsored on-line training module that will help prepare the new or veteran transit employee to perform at their maximum. The program consists of three tracks that feature web-based training and streamlined on-site sessions:

- Track 1 – Core Training – Transit 101 – On-line training
- Track 2 – Professional Supervisor/Manager Training – On-line training and instructor-led training
- Track 3 – Train-the-Trainer – Instructor-led training

Each track must be successfully completed to be able to move to the next track. For more information on using this program, contact your Regional Planner.

RTAP Training Scholarships

The Maryland RTAP has established a scholarship program for which staff from transit systems across Maryland can apply to attend training sessions that require travel. For more information, contact TAM at 866-TAM-0700.

Annual “Roadeo”

The Maryland RTAP and TAM jointly host an annual “Roadeo” for Maryland’s transit systems. The Roadeo tests operators’ skills in defensive driving, passenger assistance, and conducting pre-trip inspections. Prizes include scholarships to participate in the national community transportation Roadeo.

Additional Maryland RTAP Resources

The Maryland RTAP program has a lending library of materials available for LOTS programs housed at the TAM offices. A list of current library materials along with a request form is found on the TAM website at <http://taminc.org/>. Maryland RTAP also funds a quarterly TAM/RTAP newsletter that provides technical assistance to the LOTS. For more information on MTA RTAP resources, visit the TAM website or contact TAM.

National Training and Professional Development Resources

- **National RTAP** – In addition to RTAP programs within each State, there is a National RTAP program that is currently managed by the Neponset Valley Transportation Management Association. The national program supports State programs, develops training materials and information resources about rural public transportation, and provides technical assistance. Information and technical assistance is available through a toll-free hotline (888-589-6821) and online at www.nationalrtap.org.
- **Transportation Safety Institute (TSI)** – Funded by U.S. DOT, TSI offers intensive training courses for all transportation modes including public transit. Transit driver safety and train-the-trainer courses are offered for transit coach operations as well as paratransit. Other topics include drug and alcohol program training, collision prevention and investigation, and security and emergency management at <http://www.rita.dot.gov/tsi/>.
- **National Transit Institute (NTI)** – Funded by FTA, NTI offers in-depth training on topics as diverse as ADA paratransit, safety and security awareness, human resources, procurement, financial planning, coordination, planning, technology and more. Classes are offered throughout the U.S. as well as in “distance learning” formats. More information is available at www.ntionline.com.
- **Community Transportation Association of America (CTAA)** – CTAA offers training and professional certification in safe operations (the PASS program), dispatching, supervision, management, and vehicle maintenance and inspection. CTAA trains trainers and certifies trainers and drivers through the PASS program. Maryland has several certified PASS trainers who may be able to assist in training the drivers of other Maryland transit providers; contact TAM for their contact information. In addition to its year-round training offerings, CTAA hosts an annual conference (EXPO, typically held in July) that provides numerous professional development workshops, as well as smaller topic-specific

conferences. More information is available on the CTAA website at www.ctaa.org.

- **American Public Transportation Association (APTA)** – APTA hosts numerous conferences that provide professional development sessions, with its annual Bus and Paratransit conference (typically held each May) being the most relevant for the Maryland LOTS. APTA also hosts smaller, more specialized professional development events to focus on skill building needs, and “distance learning” opportunities such as webinars on topics of timely interest in the public transportation industry. More information is available on the APTA website at www.apta.com.
- **National Aging and Disability Transportation Center (NADTC)** – Funded under a cooperative agreement with FTA, NADTC offers training and webinars designed to help communities create accessible transportation for older adults, individuals with disabilities, and caregivers, as well as numerous technical assistance resources through its publications clearinghouse. Information is available at <http://www.nadtc.org/>.

WORKING WITH VOLUNTEERS

Working with volunteers can be both challenging and rewarding. Before starting a volunteer program, you should carefully assess your organization and determine the advantages and disadvantages of volunteers. While working with volunteers encourages community involvement and provides additional assistance, it also requires increased supervision and organization on the part of the LOTS. Keep in mind that volunteers can affect the professional image of your organization in the eyes of the community, and make sure they are selected and trained to maintain your standards of professionalism.

It is important to note that volunteers who perform safety sensitive job functions that require a CDL are subject to the same drug and alcohol testing regulations as paid employees. Volunteers are exempt from the FTA drug and alcohol testing requirements unless they are required to operate a vehicle that requires a CDL or receive remuneration in excess of actual expenses incurred while engaged in the volunteer activity. The FTA defines volunteers as non-employees who perform a service as a charitable act without the expectation of receiving benefit. Such benefit may include community service as an alternative to criminal sentence, academic credit, payment by another agency, or remuneration in excess of their personal expenses (such as mileage reimbursement) incurred while performing the volunteer service.

Volunteer drivers must be properly screened and licensed, and meet minimum insurance and training requirements as paid drivers. For the driving function, volunteers should only be used if they present no more of a liability risk than paid drivers. Reliability may be an issue of concern with volunteers.

If you decide to use volunteers, it is important to create specific guidelines for volunteerism in order to foster effective relationships between volunteers and transit organizations. Some roles that volunteers may be well suited for include outreach and travel training.

As a best practice, it is recommended that volunteers be treated as new hires, and be provided with new-hire orientation and basic training.

ADDITIONAL RESOURCES

US Department of Labor Laws and Information

- US DOL - www.dol.gov
- US DOL's technical assistance on major employment laws - <http://webapps.dol.gov/elaws/>
- US DOL's directory of DOL regulations as they pertain to employers – <https://www.dol.gov/general/audience/aud-employers>
- Fair Labor Standards Act - <https://www.dol.gov/whd/flsa/>
- Family and Medical Leave Act of 1993 – <http://www.dol.gov/whd/regs/statutes/fmla.htm>
- Davis-Bacon Act of 1931 - Established that the Secretary of Labor could set wages for laborers and mechanics employed by contractors working for the Federal government -- <https://www.dol.gov/whd/govcontracts/dbra.htm>
- Section 5333(b) (also referred to as Section 13(c)) compliance information on the US DOL website -- <http://www.dol.gov/olms/regs/compliance/compltransit.htm>

Equal Employment Opportunity / Nondiscrimination

(see Chapter 13 for EEO requirements)

Commercial Driver Qualifications

- Federal Motor Carrier Safety Administration (FMCSA) - www.fmcsa.dot.gov
- FMCSA Medical Program - <https://www.fmcsa.dot.gov/regulations/medical>
- 49 CFR Parts 300-399 - <https://www.fmcsa.dot.gov/regulations/title49/b/5/3>
- Maryland Motor Vehicle Administration CDL information - <http://www.mva.maryland.gov/Driver-Services/Apply/CDL/commercial.htm>

Driver Training Programs

- National RTAP START Safety Training and Rural Transit program – www.nationalrtap.org
- CTAA's Passenger Service and Safety (PASS) Trainer and Driver Certification program – www.ctaa.org
- National Safety Council's Defensive Driving products and courses - <http://www.nsc.org/learn/Safety-Training/Pages/defensive-driving-driver-safety-training.aspx>.

Drug-Free Workplace / Drug and Alcohol Program

- Drug Free Workplace Act of 1988 - <https://www.gpo.gov/fdsys/granule/USCODE-2009-title41/USCODE-2009-title41-chap10-sec701/content-detail.html>
- FTA Office Safety and Security, Drug & Alcohol Program - <https://www.transit.dot.gov/regulations-and-guidance/safety/drug-alcohol-program>
- Drug and Alcohol Program section of the FTA website - <https://transit-safety.fta.dot.gov/DrugAndAlcohol/default.aspx>
- U.S. DOT Office of Drug & Alcohol Policy and Compliance - <https://www.transportation.gov/odapc>
- The Federal regulations under Title 49, viewable through <http://www.ecfr.gov/>:
 - 49 CFR Part 40 - *U.S. DOT Procedures for Transportation Workplace Drug and Alcohol Testing Programs*
 - 49 CFR Part 655 - *Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations*
 - 49 CFR Part 382 - *Controlled Substances and Alcohol Use and Testing under the Federal Motor Carrier Safety Administration (FMCSA) Regulations*
- FTA's quarterly *Drug and Alcohol Regulation Updates* – <https://www.transit.dot.gov/regulations-and-guidance/safety/drug-alcohol-regulation-update-newsletters>
- FTA publications on implementing drug and alcohol regulations - <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Publications/Default.aspx>
- Substance abuse management training tools developed under the Center for Urban Transportation Research (CUTR) with funding from the Florida Department of Transportation – <http://sam.cutr.usf.edu/>
- FTA Drug and Alcohol Management Information System (MIS) Program reports concerning alcohol and drug testing, which must be prepared annually using either MIS forms or MIS software - <https://www.transportation.gov/sites/dot.dev/files/docs/ODAPC%2040%20Appendix%20H.pdf>

Training and Professional Development Resources

- TAM – <http://taminc.org/>
- APTA – www.apta.com
- CTAA – www.ctaa.org
- National RTAP - <http://nationalrtap.org/>
- NTI – www.ntionline.com
- Transportation Safety Institute (TSI) – <http://www.rita.dot.gov/tsi/>
- National Aging and Disability Transportation Center (NADTC) - <http://www.nadtc.org/>

CHAPTER 8: SUMMARY CHECKLIST

- ❑ Develop a personnel policies manual and distribute to each employee.
- ❑ Develop job descriptions for each position and include them in the personnel manual.
- ❑ Establish written policies for each of the following and distribute to employees:
 - Uniform hiring policy
 - Employment conditions
 - Comprehensive leave policy that addresses Federal guidelines
 - Pay plan
 - Performance evaluations
 - Disciplinary actions
 - Requirements for employees with CDLs
 - Fitness for duty/workplace environment
 - Drug and alcohol testing
 - Discrimination/harassment policy
 - Grievance procedures
- ❑ Maintain timesheets at least three years beyond grant closeout, including timesheets for volunteer time used as in-kind local match.
- ❑ Conduct appropriate background checks of job candidates, including good faith efforts to obtain drug and alcohol testing records for the previous two years for all applicants seeking safety-sensitive positions.
- ❑ Conduct pre-employment, post-accident, reasonable suspicion, random, return-to-duty, and follow-up drug and alcohol testing for all individuals in safety-sensitive positions. Train these employees in your policies and in the effects of using drugs and alcohol.
- ❑ Provide training for new employees as well as on-going and refresher training for existing employees. Take advantage of State and national training resources.
- ❑ Ensure that drivers of vehicles designed to carry 16 or more passengers, or nine to 15 passengers if operated interstate, including the driver, possess a valid CDL and U.S. DOT physical certification. This also applies to mechanics who drive these vehicles.
- ❑ Ensure that drivers meet the minimum FMCSR physical qualifications (which disqualify any individuals with a condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle).
- ❑ Maintain confidential personnel records that include all records required under FLSA.
- ❑ Ensure that any volunteers performing safety-sensitive job functions are subject to drug and alcohol testing and training.

- ❑ Comply with employee protective arrangements, including the collective bargaining rights.
- ❑ Ensure that employees and prospective employees are not discriminated against on the basis of race, color, religion, sex, national origin, disability, age, genetic information, or veteran status (see Chapter 13).

9 OPERATIONS MANAGEMENT

This chapter addresses the Federal and State requirements that pertain to operations – the primary function of your agency – including general operations requirements as well as recommendations for operating policies and procedures to be developed for each type of service you operate. This chapter is divided into the following major sections:

- ***Operating Permits and Authority Related to Commercial Vehicles***
- ***Charter Service Restrictions***
- ***School Bus Operations***
- ***Other Operations Requirements***
- ***Recommended Policies and Procedures by Service Component***

OPERATING PERMITS AND AUTHORITY RELATED TO COMMERCIAL VEHICLES

LOTS which operate commercial motor vehicles may be subject to Federal and State requirements for which other State and Federal agencies have oversight (i.e., other than MTA or FTA). These include requirements related to driver qualifications (addressed in Chapter 8), and employers are responsible to ensure their employees meet these requirements. Insurance requirements are addressed in Chapter 11. Other requirements apply to operating authority and vehicle inspections. The commercial vehicle and commercial driver requirements are under the purview of the Federal Motor Carrier Safety Administration (FMCSA), the Maryland Motor Carrier Division of the Maryland State Highway Administration (SHA), the Maryland Public Service Commission (PSC), and the Motor Vehicle Administration (MVA), and enforced by the Maryland State Police, not the FTA or the MTA. Appendix I to this manual summarizes many of these non-FTA/non-MTA requirements about which LOTS should be aware.

The content in this section attempts to provide the LOTS with helpful information regarding these requirements to the extent that they apply to the LOTS. However, the MTA is not responsible for ensuring LOTS compliance with these requirements, and this content should not be presumed to be complete. The LOTS are responsible for contacting the applicable governing agencies to clarify current requirements and for ensuring their own compliance to those which apply to them.

Applicability

Local governments are not subject to most of these requirements, but private operators of LOTS services may be.

If your organization operates any of the following types of vehicles, that vehicle is considered a commercial motor vehicle under Federal and State law:

- Designed or used to transport 16 or more passengers including the driver,
- Designed or used to transport nine to 15 passengers (including the driver) for compensation, or
- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 10,001 pounds or more, whichever is greater.

The full definition of commercial motor vehicle is found within 49 CFR part 390, §390.5. The State of Maryland has adopted the U.S. DOT definition by reference in Code of Maryland Administrative Regulations (COMAR) 11.21.01.04.

The extent to which certain FMCSA requirements (known as the Federal Motor Carrier Safety Regulations or FMCSR) and Maryland Motor Carrier requirements apply may vary, depending upon whether or not you are part of local government, whether or not your vehicles cross State lines, and how the transportation services are funded.

Note that “for compensation” may vary depending upon how your transportation services are funded (since even indirect compensation for transportation services by or on behalf of a passenger may trigger applicability for some requirements). Examples of direct compensation could include transportation fees paid by passengers to go on a field trip, or Medicaid funding for Medicaid client trips.

For complete regulations and guidance, and to determine whether or not your passenger vehicles are commercial motor vehicles, contact:

If your Transportation Services Operate Entirely within the State of Maryland	If your Transportation Services Cross State Lines
Maryland State Highway Administration (SHA), Motor Carrier Division 800-543-4564 or 410-582-5734 http://www.mdot.maryland.gov/newMDOT/Motor_Carrier/index.html	Federal Motor Carrier Safety Administration (FMCSA) 800-832-5660 or 410-962-2889 http://www.fmcsa.dot.gov/

Additional resources are listed at the end of this chapter.

U.S. DOT Number for Interstate Operations (i.e., Crossing State Lines)

Note: Government agencies are not subject to this requirement, because they are accepted under 49 CFR 390 §390.3(f)(2). However, the requirement does apply to private operators under contract to governments.

Under U.S. DOT / FMCSA regulations, motor carriers engaged in transporting goods or passengers “for compensation” across State lines are required to obtain a U.S. DOT Number (also referred to as Operating Authority) and are subject to certain vehicle inspection requirements. Grant money may be sufficient to qualify FTA subrecipients as “for compensation” carriers, whether or not farebox revenue is collected. LOTS that are private organizations should contact the FMCSA if they are unsure if their transportation services are considered “for compensation” for the purposes of complying with FMCSA requirements.

Any small portion of a route that takes place in another State qualifies a service as interstate, even if pick-up and drop-off points are in Maryland, although there are some metropolitan commercial zone exceptions.

There are also specific insurance and safety requirements for interstate carriers depending upon the size of vehicles operated, and there may be additional requirements based on which State lines are crossed. Therefore, interstate operators need to contact the regulatory agency in each State where service is provided.

Maryland DOT Number for Intrastate (i.e., within Maryland) Operation

Under Maryland law, private organizations that operate passenger transportation services in Maryland must display on commercial vehicles either a U.S. DOT number or a Maryland DOT motor carrier identification number obtained from the Maryland SHA’s Motor Carrier Division. For this requirement, Maryland has adopted the FMCSR definition of commercial vehicles.

For more information about this requirement, contact the SHA Motor Carrier Division (contact information is found on page 9-2).

Public Service Commission (PSC) Permit or Operating Authority

Under COMAR Title 20: PSC, Subtitle 95: Transportation, intrastate operators of any motor vehicle transporting passengers for hire must secure a permit from the PSC, referred to as Operating Authority on the PSC application form. “For hire” is not defined in the COMAR, but it is possible that some private operators of LOTS services may be subject to PSC permit requirements if they operate on a regular schedule and fares are charged, or if they operate as a charter/contract carrier.

In 2011, the LOTS that are units of local governments (State, county or municipal) were exempted from the PSC permit requirement through the passage of SB 402, which amended Article - Public Utilities in the Annotated Code of Maryland. Private contractors operating public transportation services exclusively for the local unit of government are also exempt from the PSC permit requirement. However, the private contractor must get a PSC permit for any motor vehicle it does not use exclusively for the local unit of government.

Organizations which are required to register with the PSC are also subject to minimum insurance requirements (depending on vehicle size) and annual PSC inspections.

For information about the PSC requirements, including whether or not your transportation services would be considered “for hire,” contact the PSC Transportation Division at 410-767-8000 or 800-492-0474 or visit the PSC website at <http://www.psc.state.md.us/transportation/>.

Maryland Preventive Maintenance (PM) Program

Under COMAR Title 11: DOT, Subtitle 22: PM, certain commercial vehicles are subject to the Maryland PM. This program requires that commercial vehicles be systematically inspected, repaired, and maintained every 12 months or 25,000 miles, whichever occurs first. This PM program also requires performing maintenance practices, keeping written maintenance records and conducting maintenance inspections. (See Chapter 10)

CHARTER SERVICE RESTRICTIONS

As recipients of public transit funds, all LOTS sign a Charter Service Agreement. The agreement is contained in the Certifications and Assurances that become part of your Grant Agreement. In Charter Agreements, public transit grantees agree that the transit system, and each subrecipient or third party contractors who use FTA-funded vehicles, may provide charter services using equipment or facilities acquired with Federal transit assistance only in compliance with FTA charter regulations, 49 CFR Part 604 (http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr604_main_02.tpl or <http://edocket.access.gpo.gov/2008/pdf/08-86.pdf>). The purpose of the FTA Charter Service rule is to protect private bus operators from unfair competition from transit operators who have access to Federal and State funds for purchasing buses, and Federal funds for their operation.

The FTA rules on charter bus service by public transit operators allow for clear **exemptions** up front for some services, as well as some **exceptions** under particular circumstances, as described below.

The FTAs charter service web page is <https://www.transit.dot.gov/regulations-and-guidance/access/charter-bus-service/charter-bus-service>.

Important: If you choose to pursue a charter service provision within the confines of Federal regulations, you must do the following in addition to the other procedures outlined in this section:

- Notify the MTA in writing prior to entering into an agreement to provide charter service.
- Track and account for any revenue generated from charter bus activity within the confines of the non-fare revenue policy and form detailed in Chapter 3.
- Submitted charter service quarterly reports to the MTA each quarter whether charter service is operated or not.

What is Charter Service?

Charter service is defined in 49 CFR Part 604 as transportation provided by an FTA recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. The third party pays for the use of the vehicle, and it collects any fares from the passengers. Charter service is not part of a transit provider's regularly scheduled services, or is offered for a limited time period. The third party determines the origin and destination of the charter trip as well as the schedule.

Transportation provided by an FTA recipient to the public for events or functions that occur on an irregular basis or for a limited duration is also considered a charter when a premium fare is charged that is greater than the usual and customary fixed-route fare, and/or the service is paid for in whole or in part by a third party.

Charter service does *not* include demand-response service to individuals.

Exemptions

The following types of service are **exempt** from the charter service rules:

- Transit systems transporting transit employees and government representatives within the service area for monitoring purposes.
- Emergency response and preparedness planning and operations.
- Recipients in non-urban areas transporting employees for training to destinations outside the service area.
- Public transit agencies receiving funds under Section 5311 (as well as Section 5310) are exempt from the FTA charter rules for charter services that support "program purposes." "Program purposes" are defined as "transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities, and/or low income individuals)." Program purposes do not include exclusive service for groups formed for purposes unrelated to the special needs of the targeted populations. If a Section 5311 recipient wishes to provide charter service to a group or organization whose purpose is unrelated to the special needs of the three targeted groups, then the full FTA Charter Service rule applies, and the service is not exempt.

Services that fall under any of the above exemption categories are always exempt from the Charter Service rule.

If a service is not **exempt**, it still might be allowable under one of the **exceptions** described in the next section.

Exceptions

In addition to the previously described exemptions, the FTA Charter Service rules allow some charters to be operated under certain circumstances, referred to as **exceptions**. These exceptions require certain procedures and documentation, as described below for each type of exception:

- Government officials on government business,
- Qualified Human Service Organizations (QHSOs),
- Leasing FTA-funded equipment and drivers,
- When no registered charter provider responds to a notice from an FTA recipient,
- By agreement with all registered charter providers, and
- Upon FTA Administrator approval of a petition.

Government Officials on Government Business

A LOTS may provide up to 80 hours of charter service per year to government officials (Federal, State, and local) for official government business, which can include non-transit related purposes, if the service is within the LOTS own geographic service area and the LOTS does not generate revenue from the charter service, except as required by law.

If more than 80 hours are requested: If a LOTS subrecipient wishes to provide more than 80 hours of charter service to government officials for government business in a year, they may petition the FTA Administrator through the MTA for permission to do this. The petition must contain:

1. Date and description of the official government event and the number of charter service hours requested;
2. Explanation of why registered charter providers in the geographic service area cannot perform the service (e.g., equipment, time constraints, or other extenuating circumstances), and
3. Evidence that the LOTS has sent the request for additional hours to registered charter providers in its geographic service area. (See section titled “When No Registered Charter Provider Responds to Notice from an FTA Recipient” for notification requirements, on page 9-8.)

The petition form can be downloaded from this page: <https://www.transit.dot.gov/regulations-and-guidance/access/charter-bus-service/form-petition-administrator>. The completed petition form must be submitted to docket FTA-2007-0022 at <http://www.regulations.gov> through the MTA. The FTA Charter Service ombudsman can answer questions about the process by contacting ombudsman.charterservice@dot.gov.

The FTA Administrator will review petitions that meet the requirements, seek additional information as necessary, and issue a written decision. If approved, the LOTS must retain a copy of the Administrator's approval for at least three

years and include it in their quarterly report posted on the charter registration website.

Recordkeeping: The LOTS must maintain the following records for each charter trip provided to government officials for at least three years:

- Name, address, phone number, and email address of the government organization
- Date and time of service
- Number of passengers (specifically noting the number of government officials on the trip)
- Origin, destination, and trip length (miles and hours)
- Any fee collected
- Vehicle number for the vehicle used to provide the service
- A clear statement identifying that the charter service was provided under the government officials on government business exception. (This can be accomplished with a note to file.)

Qualified Human Service Organizations (QHSOs)

A LOTS may provide charter service to a QHSO for the purpose of serving individuals with

- Mobility limitations related to advanced age (i.e., seniors),
- Disabilities, or
- Low income.

A LOTS may only provide service to a QHSO under one of the following circumstances:

- The QHSO receives funds, directly or indirectly, from any of the 64 Federal programs listed in Appendix A of 49 CFR Part 604 (<http://edocket.access.gpo.gov/2008/pdf/08-86.pdf>), or
- The QHSO has registered on the FTA Charter Registration web site (<http://ftawebprod.fta.dot.gov/CharterRegistration/>) at least 60 days before the date of the first request for charter service (i.e., the LOTS is not permitted to provide charter service to the QHSO until at least 60 days have passed since the QHSO has registered on the FTA site).

Recordkeeping: The LOTS must maintain the following records for each charter trip provided to a QHSO for at least three years:

- Name, address, phone number, and email address of the QHSO
- Date and time of service
- Number of passengers

- Origin, destination, and trip length (miles and hours)
- Any fee collected
- Vehicle number for the vehicle used to provide the service
- A clear statement identifying that the charter service was provided under the QHSO exception. (This can be accomplished with a note to file.)

Leasing FTA-funded Equipment and Drivers

A LOTS may lease its FTA-funded equipment and drivers to registered charter providers for charter service only if the following four conditions exist:

1. The private charter operator is registered on the FTA Charter Registration website (<http://ftawebprod.fta.dot.gov/CharterRegistration/>),
2. The registered charter provider owns and operates buses or vans in a charter service business,
3. The registered charter provider received a request for charter service that exceeds its available capacity (of either number of vehicles or number of accessible vehicles operated by the registered charter provider,; and
4. The registered charter provider has exhausted all available vehicles of all registered charter providers in the recipient's geographic service area (i.e., the FTA subrecipient cannot lease out the vehicles if another registered charter provider could do so).

Recordkeeping: The LOTS must maintain the following records for each instance of leasing FTA-funded vehicles or drivers to a registered charter provider for at least three years:

- Name, address, phone number, and email address of the registered charter provider,
- Number of vehicles leased, types of vehicles leased, and vehicle identification numbers,
- Documentation presented by the registered charter provider in support of each of the above four conditions, and
- A clear statement identifying that the charter service was provided under the vehicle/driver leasing exception. (This can be accomplished with a note to the file.)

When no registered charter provider responds to a notice from an FTA recipient

If a LOTS receives a request to provide charter service that does not qualify for one of the preceding exemptions and exceptions, but the LOTS is still interested in providing the service, there is another possible exception. Under these circumstances, the LOTS could provide formal notice interest in providing the charter service, and if no registered private operator responds to the notice, the LOTS would be allowed to provide that service.

If the LOTS is not interested in providing the requested charter service, they can decline, and may wish to refer the requestor to the FTA Charter Registration web site (<http://ftawebprod.fta.dot.gov/CharterRegistration/>) to find a provider.

Providing notice of interest in providing a requested charter service – To qualify for the preceding exception under the charter rule, the LOTS must go to the FTA Charter Registration website (<http://ftawebprod.fta.dot.gov/CharterRegistration/>), and identify the registered charter providers in the LOTS geographic service area that must be notified.

The LOTS must then send an email to each of the identified firms providing:

- Customer name, address, phone number, and email address (if available),
- Requested date of service,
- Approximate number of passengers,
- Type of equipment requested,
- Trip itinerary and approximate duration, and
- The fare the LOTS intends to charge for the service.

If the request for charter service was received by the LOTS by 2:00 p.m., the notice must be emailed to the registered charter providers by the close of business that day. If the request for charter service was received by the LOTS after 2:00 p.m., the notice must be emailed to the registered charter providers by the close of business the following day.

If a LOTS receives an “undeliverable” notice in response to its email notice, the notice must be sent via fax with fax confirmation documentation.

If no registered charter provider responds within the specified deadlines, the LOTS can provide the service. The response deadline is 72 hours for service to be provided within 30 days, or 14 calendar days for service to be provided more than 30 days in the future.

If a registered charter operator responds, the LOTS cannot provide the service (even if the private operator does not ultimately provide the service).

This notification process must be undertaken for each such request.

Recordkeeping: The LOTS must maintain the following records for at least three years, for each charter trip provided in the event no registered charter provider responds to LOTS notice:

- Electronic copy of the e-mail notice and the list of registered charter providers that were sent e-mail notices of the requested charter service
- Record of any undeliverable email notice and the fax sent confirmation
- Name, address, phone number, and email address of the group chartering the trip

- Date and time of service
- Number of passengers
- Origin, destination, and trip length (miles and hours)
- Any fee collected
- Vehicle number for the vehicle used to provide the service
- A clear statement identifying that the charter service was provided under the “no registered charter provider responds to notice” exception. (This can be accomplished with a note to the file.)

By Agreement with All Registered Charter Providers

A LOTS may provide charter service directly to a customer consistent with an agreement entered into with all registered charter providers in the recipient’s geographic service area.

If a new charter provider registers in the geographic service area subsequent to the initial agreement, the LOTS may continue to provide charter service under the previous agreement with the other charter providers up to 90 days without an agreement with the newly registered charter provider.

Any of the parties to such an agreement may cancel the agreement at any time after providing the LOTS a 90-day notice.

Recordkeeping: The LOTS must maintain the following records for at least three years following any charter activity provided under this exception:

- Written agreements with all registered charter providers in their geographic service area
- Name, address, phone number, and email address of the group chartering the trip
- Date and time of service
- Number of passengers
- Origin, destination, and trip length (miles and hours)
- Any fee collected
- Vehicle number for the vehicle used to provide the service
- A clear statement identifying that the charter service was provided under the “by agreement with all registered charter providers” exception. (This can be accomplished with a note to the file.)

Upon FTA Administrator Approval of a Petition

A LOTS may petition the FTA Administrator, through the MTA, as described below, for an exception to the charter service regulations to provide charter service directly to a customer for:

- Events of regional or national significance – The petition must be submitted to the FTA Administrator at least 90 days before the first day of

the event which includes a description of how registered charter providers were consulted, how registered charter providers will be utilized in providing the charter service, and a certification that the recipient has exhausted all of the registered charter providers in its geographic service area.

See procedures for notifying registered charter providers described under “When no registered charter provider responds to notice from an FTA recipient.” On page 9-8.

- Hardship (only available in rural and small urban areas in cases where the deadhead time of the registered charter provider exceeds total trip time from pick-up to drop-off, including wait time) - The petition must describe how the registered charter provider's minimum duration would create a hardship on the group requesting the charter service.
- At the discretion of the FTA Administrator for unique and time sensitive events that are in the public's interest (e.g., funerals of local, regional, or national significance) - The petition must describe why the event is unique or time sensitive and how providing the charter service would be in the public's interest.

Petition requirements: In addition to the requirements specific to each of the above types of petitions, the petition must include the following:

- Date and description of the event,
- Type of service requested and the type of equipment,
- Anticipated number of charter service hours needed for the event, and
- Anticipated number of vehicles and duration of the event.

The petition form can be downloaded at: <https://www.transit.dot.gov/regulations-and-guidance/access/charter-bus-service/form-petition-administrator>. The completed petition form must be submitted to docket FTA-2007-0022 at <http://www.regulations.gov>. The FTA Charter Service ombudsman can answer questions about the process by contacting ombudsman.charterservice@dot.gov.

The FTA Administrator will review petitions that meet the requirements, seek additional information as necessary, and issue a written decision. If approved, the LOTS must retain a copy of the Administrator's approval for at least three years and include it in the recipient's quarterly report posted on the Charter registration website.

Recordkeeping: The LOTS must maintain the following records for each charter trip provided under an FTA-approved petition for at least three years:

- Copy of the petition
- Copy of the Administrator's approval

- Came, address, phone number, and email address of the group chartering the trip
- Date and time of service
- Number of passengers
- Origin, destination, and trip length (miles and hours)
- Any fee collected
- Vehicle number for the vehicle used to provide the service
- A clear statement identifying that the charter service was provided under the FTA administration petition exception. (This can be accomplished with a note to the file.)

Reporting Requirements for All LOTS on Charter Service Exceptions

MTA requires all LOTS, whether they provide charter service under the **exceptions** (i.e., outside the **exemptions**) rule or not, to provide a Quarterly Charter Report. All LOTS providing any charter service under the exceptions rule must report all charter service to the MTA by submitting the required report at their quarterly site visits. LOTS that did not provide any charter services during the quarter must also submit the quarterly report, but may do so by indicating their report of no charter service with a “0” or “N/A.”

Complaints and Remedies

A private operator can file a complaint against a public transit operator (LOTS) for failing to follow these regulations. The FTA/MTA has 110 days to investigate the complaint. There is a formal complaint procedure, detailed in 49 CFR Part 604 (<http://edocket.access.gpo.gov/2008/pdf/08-86.pdf>). If the FTA finds a violation, it may determine a remedy that could include withholding of funds, barring a subrecipient from receiving future funds, or suspension/debarment. A matrix of dollar penalties per violation, ranging from \$499 to \$25,000, was published as Appendix D (<http://edocket.access.gpo.gov/2008/pdf/E8-18444.pdf>) to 49 CFR Part 604.

Additional Resources Related to Charter Services

The FTA has posted charter bus rule resources on its website at <https://www.transit.dot.gov/regulations-and-guidance/access/charter-bus-service/charter-bus-service-resources>. The LOTS are encouraged to read Appendix C to 49 CFR Part 604 (<http://edocket.access.gpo.gov/2008/pdf/08-86.pdf>), “Charter Service Questions and Answers.”

SCHOOL BUS OPERATIONS

As recipients of public transit funds, all LOTS sign a School Transportation Agreement. As with the Charter Agreement, the School Transportation Agreement is contained in the Certifications and Assurances that become part of your Grant Agreement, and the purpose is to protect private bus operators from unfair competition from transit operators

who have access to Federal and State funds for purchasing buses and operating transit services.

The current FTA school bus regulations, 49 CFR Part 605, were issued in 2005 (<http://www.gpo.gov/fdsys/pkg/CFR-2010-title49-vol7/pdf/CFR-2010-title49-vol7-part605.pdf>). The FTA also issued a policy statement regarding “tripper service” in 2008 (<https://www.transit.dot.gov/regulations-guidance/rulemaking/E8-21601>).

FTA subgrantees are prohibited from providing exclusive school bus service unless it qualifies under specified exceptions.

One permissible use of public transportation vehicles for school bus service involves “tripper service” – defined as regularly scheduled public transportation service that is open to the public and designed or modified to meet the travel needs of school students and personnel using various fare collection or subsidy systems. Buses used for tripper service must be marked as open to the general public; signage or any other indication that the bus may not be open to the general public is prohibited. Additionally, all stops made on tripper service must be accessible to the public and be clearly marked as public stops (except in the case of traditionally unmarked flag stops).

School students may be transported to school and related activities on ADA paratransit or other demand-response service as long as the student qualifies for the service and the service does not exclude the general public. Such service would be comparable to allowable “tripper service” using the fixed-route system.

An FTA grantee in an urban area may provide transportation that is exclusive to students and school personnel if private school bus operators in the urban area are unable to provide adequate transportation at a reasonable rate, and in conformance with applicable safety standards. However, buses, facilities, or equipment purchased with FTA assistance cannot be used to provide this service; a grantee may use only buses, facilities, and equipment that have been purchased exclusively with non-FTA funds to transport students and school personnel to and from school or school-sponsored activities.

However, in no case, can Federally-funded equipment or facilities be used for exclusive school service. This includes transportation to or from any before- or after-school activities, field trips, or other school-sponsored activities. However, an FTA grantee may use buses, facilities, and equipment for the transportation of school students, personnel and equipment for incidental charter bus operations, if one or more of the charter bus service exceptions apply.

The FTA considers Head Start to be a social service program rather than a school program.

Public transit agencies are not prohibited from using privately-owned school buses to supplement the regular public transportation fleet. The FTA has stated that working with private school bus operators to provide supplemental public transportation service

can help communities make more efficient use of their resources, while increasing mobility for community residents.

OTHER OPERATIONS REQUIREMENTS

Additional operating requirements and recommendations are found in other chapters of this manual, including:

- Chapter 5 addresses fare collection and cash handling procedures.
- Chapter 8 addresses CDL requirements.
- Chapter 11 addresses operational safety and security.
- Chapter 12 addresses ADA service requirements.

RECOMMENDED POLICIES AND PROCEDURES BY SERVICE COMPONENT

Types of Services

The LOTS systems in Maryland operate a variety of service types, including:

- Fixed-Route Services – Operate along a prescribed path on a fixed schedule, serving pre-established stops.
- Demand-Response Services – Designed, within limits, around the travel needs of individual customers. “Subscription” services which are provided on a “standing order” basis are included in this category.
- Route-Deviation Service – This hybrid service provides demand-response type of service along a route that operates on a general fixed schedule, serving a limited number of pre-established stops, with flexibility to deviate off the regular route to pick up and discharge customers within a limited corridor.
- User-Side Subsidy or Taxicab Voucher Programs – Provide customers with subsidized vouchers that can be used to purchase regular taxi service from participating taxi companies. A number of jurisdictions operate this type of program for their SSTAP service.
- Special Services or Group Trips –Provide incidental trips for groups (usually seniors or individuals with disabilities), typically for recreational or shopping purposes. The LOTS operators must ensure that they are not providing service that the FTA would consider charter service.

Recommended items to include in LOTS operating policies are listed in the following sections for each of the above types of services. Recommended policies and procedures specifically related to ADA and accessibility are also provided in Chapter 12.

Fixed-Route Services

The LOTS should establish written policies and procedures for the following fixed-route service functions:

- Dispatching
 - Communications procedures (radio, cell phone, land line, fax, mobile data terminal, and/or other technologies)
 - Radio codes
 - Schedule of operations procedures (how and when fixed-routes operate)
 - Trip manifest (how and when drivers operate fixed-routes) and distribution procedures
 - Frequency with which drivers check in with dispatcher
 - Policies for adjusting service when drivers get substantially behind schedule
 - Recordkeeping procedures
 - Relationships between dispatcher, supervisor, and drivers
 - Days and hours of dispatch coverage
 - After-hours on-call coverage
- Driver Responsibilities
 - Checking in before starting service
 - Pre-trip inspections
 - Reporting delays
 - Types of passenger assistance that may and may not be provided
 - ADA-mandated interior announcements of key stops and transfer points en-route
 - ADA-mandated exterior announcements of routes at stops shared by multiple routes
 - ADA-mandated use of vehicle lifts/ramps
 - ADA-mandated priority seating
 - ADA-mandated accommodation of wheelchairs and their securement
 - transporting customers with behavioral issues
 - transporting customers with service animals
 - Transporting customers with portable oxygen
 - Communications with the dispatcher and other drivers
 - When, where, and for how long breaks are permitted
 - Layover locations when running ahead of schedule
 - Vehicle securement procedures during breaks
 - Fare collection and passenger counting procedures
 - Recordkeeping procedures
 - End-of-day routing
 - End-of-day vehicle fueling, inspection, cleanup, and check-out
 - Requesting or performing vehicle maintenance
 - Procedures for vehicle breakdowns
 - Accident/incident procedures
 - Emergency/security procedures
- Passenger Relations Policies

- On-board behavior
- Fare payment procedures
- ID needed for special fares (e.g., seniors, individuals with disabilities, Medicare cardholders, veterans, students, children, and agency-reimbursed)
- Requesting use of lift/ramp and “kneeler”
- Wheelchair securement
- Priority seating for seniors and individuals with disabilities
- Use of bicycle rack
- Minimum age of unaccompanied children
- Handling customer complaints/compliments
- Traveling with service animals
- Traveling with portable oxygen
- Operations Supervision
 - On-board evaluations
 - Field supervision
 - Retraining
- Ticket and Pass Sales
 - Mail order fulfillment
 - Walk-in purchases (including cash handling and receipts)
 - Electronic fare card value loading and usage

Demand-Response Services

The LOTS should establish written policies and procedures for the following demand-response service functions. If a LOTS system provides ADA complementary paratransit services in addition to another kind of demand-response service (such as SSTAP or rural general public), the policies for these services are likely to be different, as ADA complementary paratransit is required to have specific service characteristics (see Chapter 12).

- Eligibility Determination
 - Age, disability, income and/or other criteria
 - Required documentation
 - Passenger data storage and confidentiality
 - Frequency of periodic eligibility renewal
 - Who attests to the applicant’s qualifications (for example, a doctor or other medical professional, or caseworker)
 - Who makes the eligibility determination (staff member or third party)
- Ticket Sales
 - Mail order fulfillment
 - Walk-in purchases (including cash handling and receipts)
 - Electronic fare card value loading and usage
- Reservations/Scheduling
 - Days and hours when requests will be accepted

- Days and hours that service will be provided
- Maximum acceptable ride length
- Geographic area limitations
- Procedures for accepting reservations via answering machine
- Minimum and maximum advance reservation time
- Maximum acceptable phone hold time
- Standing order or subscription service limits
- Whether LOTS staff will call customers to confirm pick-up times the day before the service (call back procedures)
- Whether trip requests received after the advance reservation deadline will be accepted on a space-available basis
- Scheduled pick-up window (including how far in advance passengers should be ready for pickup)
- Holiday scheduling procedures
- Wait time limits and charges
- Whether return trips should be prescheduled or provided on a will-call basis
- Recordkeeping procedures
- Dispatching
 - Communications procedures (radio, cell phone, land line, fax, mobile data terminal and/or other technologies)
 - Radio codes
 - Trip manifests (how and when drivers will provide trips during the day) and distribution procedures
 - Definition of on-time performance
 - Frequency with which drivers check in with dispatcher
 - Same-day service request procedures (if accepted)
 - Cancellation procedures
 - Policies for prioritizing trips and adjusting schedules when drivers get substantially behind schedule
 - Recordkeeping procedures
 - Relationships between dispatcher, supervisor, and drivers
 - Days and hours of dispatch coverage
 - After-hours on-call coverage
- Driver Responsibilities
 - Checking in before starting service
 - Pre-trip inspections
 - Pick-up arrival time standards
 - Whether or not service is curb-to-curb or door-to-door (LOTS are strongly discouraged from providing door-through-door service due to the risks involved) and making reasonable accommodations
 - Types of passenger assistance that may and may not be provided
 - transporting customers with behavioral issues
 - Communications with the dispatcher and other drivers
 - When, where, and for how long breaks are permitted
 - Cash and/or ticket handling procedures
 - No-shows (determine, notice left for customer, documentation)

- Recordkeeping procedures
- End-of-day vehicle fueling, inspection, cleanup, and check-out
- Requesting or performing vehicle maintenance
- Breakdowns
- Handling passenger illnesses
- Use of vehicle lift/ramp
- Accommodating and securing wheelchairs
- Transporting customers with service animals
- Transporting customers with portable oxygen
- Accident/incidents
- Emergency/security procedures
- Passenger Relations Policies
 - Confidentiality
 - On-board behavior
 - Fare payment or ticket provision at the time of boarding
 - No-shows (definition and repercussions for repeated no-shows)
 - Escorts (ADA-eligible and others)
 - Pick-up readiness responsibilities (when and where)
 - Wait time limits and charges
 - Use of lift for wheelchairs, scooters, and walkers
 - Wheelchair securement
 - Child safety seat policy
 - Handling customer complaints/compliments
 - Service animal policies
- Operations Supervision
 - On-board evaluations
 - Field supervision
 - Retraining
- Provision of Special Services
 - Out-of-county medical transportation
 - Transportation for nursing home residents
 - Agency billing

Route-Deviation Service

As described in Chapter 12, route-deviation service, also referred to as deviated fixed-route or flex-route service, is a hybrid of fixed-route and demand-response service.

If your organization operates route-deviation service, this service should have its own set of policies and procedures that includes elements of both of the service types detailed above.

Route-deviation services should have policies and procedures addressing the following issues:

- Geographic limits of deviations (for example, three-quarters of a mile from the regular route)
- Days and hours of service that deviations are available
- Fixed stops and time points
- Determining deviation routing
- Procedure for requesting a deviation
- Additional fares charged (if any) per deviation
- Limits (if any) to the number of deviations that may be made per complete route
- Eligibility restrictions for route-deviation. As discussed in Chapter 12, if the deviated service is not available to all members of the general public (e.g., deviations are limited only to seniors and individuals with disabilities), the FTA regards the service as fixed-route and the LOTS is obligated to provide ADA complementary paratransit services.
- If the route-deviation service is designed to meet a LOTS agency's ADA paratransit requirements, demonstrate how the route-deviation service addresses each of the ADA paratransit service characteristic requirements, as detailed in Chapter 12. This description should illustrate how the route-deviation service provides comparable service to the fixed-route service it is designed to complement in terms of:
 - Service area
 - Response time
 - Fares
 - Trip purpose restrictions
 - Hours and days of service
 - Capacity constraints

User-Side Subsidy or Taxicab Voucher Programs

The LOTS that operate a user-side subsidy or taxi voucher program should have written policies and procedures on the following service functions:

- Eligibility Determination
 - Age, disability, income and other criteria
 - Required documentation
 - Sliding scale criteria
 - Passenger data to keep on file
 - Frequency of periodic eligibility renewal
- Ticket or Voucher Sales
 - Mail order fulfillment
 - Walk-in purchases (including cash handling)

- Satellite sales including cash handling (for example, at senior centers)
- Monthly or annual per-customer limits
- Reimbursing Taxi Companies
 - Invoicing procedures
 - Reporting requirements
 - Supporting documentation
- Passenger Relations Policies
 - Taxi tipping expectations
 - Identification needed to use vouchers
 - Handling customer complaints
- Planning
 - Encouraging and selecting taxi companies to participate in the program
 - Ensuring that service for individuals with disabilities is comparable to the service provided other eligible individuals in terms of:
 - Service area
 - Response time
 - Fares
 - Trip purpose restrictions
 - Hours and days of service
 - Capacity constraints

Group Trips

Important: The LOTS that operate group trips (or other special services that could be construed as charter service) must ensure that they are not operating charter services using Federally-funded vehicles or facilities unless the LOTS has obtained a special exemption from the FTA. More information about the charter protection regulations is found earlier in this chapter.

Important: Any revenues generated through the provision of charter or other special group trips must be handled as non-fare revenue. Requirements for accounting for non-fare revenue are specified in Chapter 3.

For allowable group trips and other special services, the LOTS should establish written policies and procedures for the following:

- Limitations on service availability
- Advanced reservation requirements
- Contract rates
- Allowing general public riders
- Fare collection procedures (see above regarding non-fare revenue)
- Recordkeeping
- Dispatching requirements
- Publicizing service
- Billing procedures

ADDITIONAL RESOURCES

Motor Carrier Regulations for Commercial Vehicles

If your Transportation Services Operate Entirely within the State of Maryland	If your Transportation Services Cross State Lines
<p>Maryland State Highway Administration (SHA), Motor Carrier Division 800-543-4564 or 410-582-5734 http://www.mdot.maryland.gov/newMDOT/Motor_Carrier/index.html</p>	<p>Federal Motor Carrier Safety Administration (FMCSA) 800-832-5660 or 410-962-2889 http://www.fmcsa.dot.gov/</p>

Federal

- Federal Motor Carrier Safety Administration (FMCSA) -- www.fmcsa.dot.gov
- 49 CFR Parts 300-399 - <https://www.fmcsa.dot.gov/regulations/title49/b/5/3>
- CTAA webpage on FMCSA requirements as they pertain to rural public transit and community transportation operators – <http://web1.ctaa.org/webmodules/webarticles/anmviewer.asp?a=344>
- CTAA “Figuring Out the Federal Motor Carrier Safety Administration (FMCSA) Regulations: Do They Apply and What to Do if the Answer Is “Yes” - http://web1.ctaa.org/webmodules/webarticles/articlefiles/Texas_FMCSA_issues.pdf
- NCHRP Research Results Digest 311: *FMCSA Regulations as They Apply to FTA Section 5310/5311 Providers: A Handbook* (2006) - <http://www.trb.org/Publications/Blurbs/158558.aspx>
- FMCSA Small Passenger-Carrying Vehicles web page - <https://www.fmcsa.dot.gov/registration/small-passenger-carrying-vehicles>
- FMCSA “Overview of Federal Requirements Interstate 9 to 15 Passenger Vehicles” brochure - https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/9-15-Passenger_Vehicle_Brochure_508.pdf
- FMCSA “Licensing and Insurance Requirements for For-Hire Motor Carriers of Passengers” brochure - <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/365-387-LI-Req-PCS-eng.pdf>

State

- Maryland Motor Carrier Program -
http://www.mdot.maryland.gov/newMDOT/Motor_Carrier/index.html
- *Maryland Motor Carrier Handbook* –
<http://www.sha.maryland.gov/OOTS/motorcarrierhandbook.pdf>
- Maryland Public Service Commission, Transportation Division -
<http://www.psc.state.md.us/transportation/>, 410-767-8000 or 800-492-0474
- Maryland Preventive Maintenance Program -
http://www.mdot.maryland.gov/newMDOT/Motor_Carrier/PM_Program.html
- Maryland PM Handbook - Order from the Division of State Documents for a nominal fee - Order form:
<http://www.dsd.state.md.us/PDF/InfoSheet.pdf>, (410- 974-2486 or 800-633-9657 (toll-free within Maryland only)
- Maryland PM Inspection Form for Passenger Buses -
<http://www.mdot.maryland.gov/Office%20of%20Maryland%20Motor%20Carrier%20Program/Documents/Passenger%20Bus%20Preventive%20Maintenance%20Report.pdf>
- COMAR Title 11 - Department of Transportation, Subtitle 21 Motor Vehicle Administration - Commercial Motor Vehicles -
http://www.dsd.state.md.us/COMAR/subtitle_chapters/11_Chapters.aspx
- COMAR Title 11 - Department of Transportation, Subtitle 22 Motor Vehicle Administration—Preventive Maintenance Program, 11.22.03 Preventive Maintenance Standards for Multipurpose Passenger Vehicles and Passenger Buses -
http://www.dsd.state.md.us/COMAR/subtitle_chapters/11_Chapters.aspx
- COMAR Title 20 - Public Service Commission, Subtitle 95 Transportation, 20.95.01 General -
http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=20.95.01.*

Charter Service Restrictions

- 49 CFR Part 604 - <http://edocket.access.gpo.gov/2008/pdf/08-86.pdf>
- Appendix A of 49 CFR Part 604: Federal human service funding programs -
<http://edocket.access.gpo.gov/2008/pdf/08-86.pdf>

- Appendix C to 49 CFR Part 604: Charter Service Questions and Answers - <http://edocket.access.gpo.gov/2008/pdf/08-86.pdf>
- FTA charter service web page - <https://www.transit.dot.gov/regulations-and-guidance/access/charter-bus-service/charter-bus-service>
- FTA charter registration web site - <http://ftawebprod.fta.dot.gov/CharterRegistration/>

School Bus Operations

- 49 CFR Part 605 - <http://www.gpo.gov/fdsys/pkg/CFR-2010-title49-vol7/pdf/CFR-2010-title49-vol7-part605.pdf>
- FTA policy statement regarding “tripper service” - <https://www.transit.dot.gov/regulations-guidance/rulemaking/E8-21601>

Examples of Rural and Small Urban Transit Operating Policies and Procedures

Disclaimer: the following examples do not necessarily reflect current FTA or MTA requirements or recommendations.

- Central Community Transit Operations and Service Policies, MN - <http://www.cctbus.org/pdfs/CCT%20Operations%20Policies%202014%20112414.pdf>
- Cheyenne River Sioux Tribe Transit / River Cities Public Transit, SD - <http://www.rcptransit.com/downloads/PandPManualCRST.pdf>
- Citrus County, FL Transit Standard Operating Procedures - <http://www.citruscountytransit.com/tdcb/sop.pdf>
- TransIT-plus Policies and Procedures, Frederick, MD - <https://frederickcountymd.gov/DocumentCenter/View/271710>
- A wide array of transit policy examples are available on the Small Urban and Rural Transit Center website - http://www.surtc.org/resources/transit_policies.php

CHAPTER 9: SUMMARY CHECKLIST

- ❑ Private entities must obtain a U.S. DOT Number (if operating outside of Maryland) or a MD DOT number (if operating in-state only).
- ❑ Private entities may be required to obtain and update a PSC permit unless granted an exemption by Maryland's General Assembly.
- ❑ Comply with FTA Charter Service Restrictions. Petition the FTA Administrator for proposed exceptions as appropriate. Submit quarterly reports of exception charters.
- ❑ Comply with FTA School Bus regulations.
- ❑ Ensure that operations requirements (as stated in other chapters of this manual) are met.
- ❑ Develop operating policies and procedures for each type of service your system operates (demand-response, fixed-route, group trips, etc.)
- ❑ Within operating policies and procedures, address the roles of each individual involved (including driver, dispatcher, supervisor, and passenger).

10

VEHICLE MANAGEMENT AND MAINTENANCE

This chapter summarizes requirements and recommendations for vehicle fleet management and maintenance, including:

- ***Vehicle and Equipment Inventory Records***
- ***Maryland Public Service Commission Requirements***
- ***Maryland Preventive Maintenance (PM) Program***
- ***Motor Carrier Vehicle Requirements***
- ***Outsourcing Maintenance and Repairs***
- ***Elements of an Effective Maintenance Program***
- ***Vehicle Useful Life and Replacement Standards***
- ***Property and Equipment Disposition***

LOTS grantees must adequately maintain all equipment and facilities purchased with Federal and State funds. Vehicles must be maintained in good working order. Each LOTS system must have a documented maintenance policy and plan with goals and objectives, submit a preventive maintenance (PM) program to the MTA with the ATP, and implement the planned program.

VEHICLE AND EQUIPMENT INVENTORY RECORDS

FTA defines equipment as all tangible, nonexpendable, personal property that has a service-life of more than one year and an acquisition cost that exceeds \$5,000 per unit. LOTS agencies are required to maintain the following records on all MTA-funded vehicles and other equipment with a unit cost of \$1,000 or more, as well as desktop or laptop computers.

- Description of the equipment,
- Serial number or vehicle identification number,
- Entity that holds title to the asset,
- Acquisition date,
- Cost of the equipment,
- Source of funding,
- Percentage of Federal/State participation in the cost of the equipment,
- MTA grant or project number under which it was procured,
- FTA grant agreement number under which it was procured,
- Location, use, and condition of the equipment,
- Useful life, and

- Any disposition date, including the date of disposal and sale price of the equipment.

The FTA requires that a physical inventory of equipment must be taken and the results **reconciled** with the property records at least once every two years. To ensure that these conditions are met, MTA requires that a Fixed Assets Inventory (Form 6a of the ATP), Vehicle Inventory (Form 6), and Vehicle Utilization (Form 7), for equipment purchased in whole or in part with the MTA and FTA funds, be submitted to the MTA annually as part of the ATP.

Under FTA's recently established Transit Asset Management requirements (described in Chapter 2), the FTA also requires condition assessment of all service vehicle equipment and other equipment valued at \$50,000 or more.

In addition, all FTA/MTA-funded equipment must be tagged or otherwise identified as government property, and a control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of project property. Any loss, damage, or theft must be investigated and documented by the LOTS.

MARYLAND PUBLIC SERVICE COMMISSION (PSC) REQUIREMENTS

Historically, under COMAR Title 20: PSC, Subtitle 95, most LOTS in Maryland were subject to certain requirements of the Maryland PSC, including obtaining a motor carrier permit for all passenger motor vehicles used in the "transportation of persons for hire."

In May 2011, the State Legislature signed into law, a bill to exempt those vehicles operated by "a local public transportation system established under a law enacted by the local governing body of a county or municipal corporation" as well as any "motor vehicle used by a privately owned transportation company exclusively to provide transportation system services under a contract with the governing body of a county or municipal corporation or with a unit of State government." However, privately-owned vehicles that are not used exclusively under contract to a government agency (such as vehicles used for dedicated human service transportation or charter service when not in transit operations) may still be subject to the PSC's motor carrier permit requirements.

For more information about PSC requirements for passenger carriers, contact the PSC Transportation Division at (410) 767-8000 or (800) 492-0474 or visit the PSC website at <http://www.psc.state.md.us/transportation/>.

MARYLAND PREVENTIVE MAINTENANCE (PM) PROGRAM

Under COMAR Title 11: DOT, Subtitle 22: PM, certain commercial vehicles are subject to the Maryland PM Program. This program requires that commercial vehicles be systematically inspected, repaired, and maintained every 12 months or 25,000 miles, whichever occurs first. This requirement applies to:

- Vehicles with a seating capacity for 16 or more passengers including the driver (as well as other types of commercial vehicles), and
- Any bus designed and used to carry more than ten people owned by the State of Maryland or any political subdivision, excluding those subject to school bus regulations.

The vehicle owner can perform the inspection, or may have someone else do the inspection. Meeting the requirements of the law is the responsibility of the vehicle owner (the LOTS or its operations contractor).

The PM program includes documentation requirements, including carrying on the vehicle at all times, a MDOT-approved inspection form documenting the most recent inspection or certification that the vehicle is maintained under a PM plan established by the MDOT.

The laws and regulations covering the PM Program, as well as the required forms, are in the Maryland PM Handbook, which can be purchased from the Maryland Division of State Documents for a nominal fee (410) 974-2486 or (800) 633-9657 (toll-free within Maryland only). The Division's printable order form is online at <http://www.dsd.state.md.us/PDF/InfoSheet.pdf>.

For more information about this requirement, contact the SHA Motor Carrier Division or visit http://www.mdot.maryland.gov/newMDOT/Motor_Carrier/PM_Program.html. LOTS that need to meet Maryland PM Program requirements should include this element in their Federally-required maintenance program explained later in this chapter.

MOTOR CARRIER VEHICLE REQUIREMENTS

LOTS that are not units of local government are subject to licensing/permitting requirements under either the Maryland Motor Carrier Program of the State Highway Administration or the FMCSA. As noted in Chapter 9, passenger carriers are required to obtain operating authority under either the MDOT (if operating only within the State) or U.S. DOT (if crossing State lines), register vehicles under either the Maryland Motor Carrier Program (intrastate) or the FMCSA (interstate), and label each vehicle with the MDOT or U.S. DOT number.

Vehicles owned by the State or local government are exempt from this requirement.

All vehicles labeled with the MDOT or U.S. DOT number must meet Maryland Motor Carrier Program or FMCSA PM requirements. Also, all such vehicles with a gross vehicle weight or gross vehicle weight rating of greater than 10,000 pounds must stop at open weigh stations.

Vehicles operating across State lines are also subject to additional insurance requirements, described in Chapter 11.

Appendix I provides a summary of many of the non-FTA/non-MTA requirements of which the LOTS should be aware.

For more information on these requirements, refer to Chapter 9 or contact:

If Your Transportation Services Operate Entirely within the State of Maryland	If Your Transportation Services Cross State Lines
Maryland State Highway Administration (SHA), Motor Carrier Division 1-800-543-4564 or 410-582-5734 http://www.mdot.maryland.gov/newMDOT/Motor_Carrier/index.html	Federal Motor Carrier Safety Administration (FMCSA) 1-800-832-5660 or 410-962-2889 http://www.fmcsa.dot.gov/

OUTSOURCING MAINTENANCE AND REPAIRS

If the LOTS contracts for maintenance services, you must monitor the contractor to ensure compliance with FTA/MTA requirements. You must record all work and assess costs to ensure cost effectiveness.

Outsourced maintenance must also comply with procurement and purchasing requirements as described in Chapter 4 (Procurement and Contracting), with the appropriate methodology followed to select the vendor(s) depending on the dollar amounts involved.

If you are part of city or county government, and the city/county contracts out maintenance of all of its vehicles (fire department, police, etc.), the overall city/county contract must include required FTA clauses (described in Chapter 4). This standard applies if the vehicle was purchased with grant funds and/or if you are using grant funds to pay for the maintenance service (either capital or operating funds).

ELEMENTS OF AN EFFECTIVE MAINTENANCE PROGRAM

Any LOTS that operates Federal- and State-funded vehicles must perform vehicle maintenance involving two major components: PM and the repair function, both of which must be monitored and evaluated to meet Federal and State requirements. These components may be provided in-house by the LOTS agency, the local government motor pool or fleet maintenance office, or outsourced to a private contractor. Regardless of who performs the maintenance services, all LOTS must have a written maintenance plan that meets Federal and State requirements and are responsible for monitoring and managing the maintenance plan with the providing maintenance agency or firm. The LOTS written maintenance plan must be submitted to the MTA with their ATP and updated when any changes occur to the plan (such as acquiring new vehicles, disposing of old ones, changes in the maintenance provider or

staff,). All LOTS maintenance programs must be signed by an authorized agent of the LOTS, and must track changes and updates that the LOTS makes to the maintenance program. Requirements for providing a maintenance program are described below.

Goals and Objectives

LOTS maintenance programs must have enumerated goals and objectives that can be measured and monitored. Examples of goals and objectives include performance measures such as: vehicle life, frequency of road calls, maintenance costs compared to system total costs, costs per vehicle, and major component failures. The maintenance program should establish the means that the LOTS will utilize to achieve the goals and objectives.

Preventive Maintenance

All LOTS grantees must establish a PM program that provides thorough, periodic inspections at intervals that meet or exceed the manufacturer's minimum standards for each vehicle type and/or model given the terrain and operating conditions experienced by your service. A mileage-based or time-based series of intervals for servicing that is strictly followed is the approach recommended by the MTA. Inspection and servicing of ADA-mandated accessibility equipment (including wheelchair lifts and ramps, securement equipment, and public announcement systems) must be part of your PM program.

At a minimum, the LOTS are required to adhere to the frequencies and schedule identified in their plan. **MTA will monitor and measure adherence to this schedule.** Current MTA standards allow for a ten percent deviation from the schedule (i.e., if the interval for an oil change is every 3,000 miles, the actual interval for which the oil change would be considered "on time" is 2,700 to 3,300 miles), and at least 80 percent of scheduled services need to be within the ten percent window (i.e., eight out of ten oil changes need to be conducted at intervals of 2,700 to 3,300 miles). Grantees are subject to random and quarterly maintenance record checks and must have accessible and well maintained files available at all times.

PM expenses are eligible for reimbursement as a capital expense under the Section 5307 and 5311 programs. LOTS receiving these grants may find this advantageous as capital funding under these programs requires a smaller local match than operating funding. (As described in Chapter 3, if the capital grant is \$100,000 or more, a force account plan may be required.)

Repairs

When repairs are needed, a repair order (or work order) must be used to record and track all repair work and be included in your recordkeeping (described under "Management Information System") for the vehicle. If you contract out repair work, it is critical that your contractor be responsive to your scheduling needs to ensure that you have enough vehicles to continue normal operations. Warranty work should be handled by an authorized representative of the manufacturer.

Management Information System

Each LOTS should establish and describe a process for recording the performance of individual vehicles and a method for analyzing overall maintenance performance and costs. Such a process, usually called a Management Information System (MIS), tracks maintenance information, including PMs, repairs, costs by vehicle, fuel use and efficiency by vehicle, road calls, parts/labor cost breakouts, and per-mile cost. MIS systems can be elaborate electronic software or simple written procedures explaining how well the maintenance staff and senior management are informed and kept abreast of PM and the upkeep of all Federal assets. The reporting system should also describe maintenance reports utilized and explain how they are reviewed and acted upon by senior management and staff. Maintenance forms and checklists utilized in the maintenance program must be regularly updated to be consistent with the LOTS current rolling stock and/or equipment inventory and the manufacturers' maintenance and PM requirements for that rolling stock and/or equipment. The LOTS will be required to submit updated rolling stock and equipment inventories annually.

Driver Pre-Trip and Post-Trip Inspections

Daily inspection of vehicles by drivers prior to putting vehicles into service (pre-trip) is an important element of PM. Inspections at the end of the service day (post-trip) are also recommended. Drivers should be trained in how to conduct these inspections and be required to complete inspection forms appropriate for their vehicle. If the vehicle is equipped with a wheelchair lift, the pre-trip inspection must include cycling of the lift.

Any deficiencies noted during the inspection should be reported. The pre-trip inspection is the first step in the repair process. If a driver finds a significant deficiency during the inspection (such as a headlight or brake light out), the deficiency must be repaired before the vehicle is placed back into service.

Vehicle Warranty Requirements

The LOTS must provide a warranty system in their maintenance program to account for any vehicles or equipment under warranty. The LOTS must have a system and process in place to be able to identify warranty claims, record warranty claims, and enforce claims against the manufacturer. The warranty system must be able to document the LOTS pursuit of warranty recovery and ensure that the costs of covered defects is borne properly by the equipment and/or vehicle manufacturer. The LOTS must document warranty recovery by vehicle and/or equipment.

Maintenance of ADA Equipment

Accessibility equipment on your vehicles must be maintained in good working order. This includes performing PM according to equipment manufacturer's specifications, cycling lifts as part of every pre-trip inspection, and performing repairs on a timely basis. Maintenance of accessibility features should be included in your written maintenance plan.

Vehicles with nonfunctional accessibility equipment must be taken out of service and promptly repaired. As described in Chapter 12, under U.S. DOT ADA regulations, if there is no spare vehicle to replace a fixed-route vehicle with an inoperable lift, that vehicle may be kept in service with the inoperable lift for a maximum of three days in areas with populations above 50,000 individuals, and five days in areas with populations of 50,000 or less.

Maintenance of Other Equipment

The LOTS are required to include all other equipment used in their system to support rolling stock or system operations in their maintenance programs. LOTS must maintain this equipment according to manufacturer's recommended standards and are required to document this maintenance as part of their program. Equipment (in either an automated or manual application) can include, but is not limited to: fare box systems, service display signage, passenger counting systems, video recording systems, voice annunciator systems, and stop request systems.

Vehicle Cleaning

All MTA-funded vehicles should be washed and their interiors cleaned on a regular basis. Vehicles should be swept out and trash disposed of at the end of each service day or driver shift. Cleaning efforts/cycles must be recorded and tracked.

Spare Vehicles

The fleet of each LOTS should include enough spare (backup) vehicles to provide coverage for PM, repairs, breakdowns, and accidents. The number of spares needed will vary according to the size and make-up of your fleet, the maximum number of revenue vehicles placed into service each day, the age and condition of vehicles, the capacity and quality of your maintenance program, and your ability to obtain unscheduled repairs when needed. The number of spare vehicles allowed in your fleet is expressed as a ratio called your "spare vehicle ratio." The total size of your fleet is used to determine your spare ratio and includes all revenue vehicles used to operate your services (inclusive of the LOTS demand-response, fixed-route, and deviated fixed-route services). The MTA has established a 20 percent maximum spare ratio. The table below shows the most common number of spare vehicles the LOTS can have based on the total number of revenue vehicles operated.

If the Maximum Number of Vehicles Needed to Provide Regular Service Is:	The Number of Spare Vehicles Your System Needs Is:
1-5	1
6-10	2
11-15	3
16-20	4
21-25	5

Your fleet's *spare ratio* is the ratio of spare vehicles to the total number of vehicles needed to provide maximum (peak) service. *Peak* is defined as the time when the greatest numbers of vehicles are in operation. To calculate your current spare ratio, divide the number of spare vehicles in your fleet by the total number of vehicles operated in peak service. In other words,

$$\text{Spare Ratio} = \frac{(\text{Total No. of revenue vehicles} - \text{No. of vehicles needed for peak service})}{\text{No. of vehicles needed for peak service}}$$

For example, if you have 30 total vehicles, and your peak operations require 25 vehicles, you have $30 - 25 = 5$ spare vehicles and your spare ratio is $5 / 25 = 20$ percent.

Rarely will a LOTS be allowed to exceed the 20 percent spare ratio. LOTS with over 50 total revenue vehicles must not exceed a 20 percent spare ratio. The MTA will require any LOTS who exceed the 20 percent spare ratio to provide a fleet management plan explaining, in detail, how it reached an excessive spare ratio and how and when it will bring its spare ratio back into acceptable limits. The LOTS that do not maintain an acceptable spare ratio can have grants payments suspended and/or may not be allowed to procure additional grant funded vehicles.

Vehicle Storage

LOTS vehicles must be stored in secure and safe locations. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of vehicles and other equipment when stored and not in use. The LOTS vehicle storage system should also consider such factors as ease of accessing vehicles for start-up, travel lanes for movement of vehicles for PM/repairs and pull-out, parking arrangements, and inclement weather operations, including snow removal.

All Maryland LOTS are required to spend one percent of these funds for transit security projects or certify that expenditures for such security systems are not necessary.

Commercial Drivers Licensing Requirements for Mechanics

If a vehicle is designed to carry 16 or more passengers including the driver, or has a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, a valid CDL is required to drive it. Mechanics that test-drive CDL vehicles are also required to possess valid CDLs. CDL-related requirements and the responsibilities of employers of CDL-required employees are addressed in Chapter 8.

If a LOTS contracts for maintenance from a private garage, this provision should be included in the contract as the LOTS is responsible for ensuring that this requirement is met.

Drug and Alcohol Program Requirements for Mechanics

Mechanics and their supervisors are among the safety-sensitive positions subject to FTA Drug and Alcohol testing requirements (described in Chapter 8). This includes both contracted maintenance employees as well as LOTS employees.

Maintenance Facilities

The LOTS must maintain maintenance facilities and equipment in accordance with their facilities and equipment maintenance plans. The MTA conducts periodic inspections of LOTS facilities, including maintenance facilities. The facilities inspection checklist is provided as Attachment 7.B. Requirements related to facilities maintenance are addressed in Chapter 7.

VEHICLE USEFUL-LIFE AND REPLACEMENT STANDARDS

This section is related to the transit asset management requirements described in Chapter 2.

To ensure that vehicles are adequately maintained and remain in service for their normal service-life, the MTA has established minimum useful-life standards for vehicles funded with State or Federal funds. These standards apply to all vehicles purchased with Sections 5307, former 5309, 5310, 5311, former 5316, former 5317, 5339, American Disabilities Act (ADA), or Statewide Special Transportation Assistance Program (SSTAP) funds, and to all vehicles that will be replaced with vehicles funded from these programs, regardless of the initial funding source.

Service-life begins on the date the vehicle was placed in service and continues until it is removed from service (Note: This information must be contained in your vehicle maintenance program). The FTA and MTA require tracking of vehicle useful-life by either years of active service or mileage, whichever comes first.

Classification	Years	Miles	Length
Revenue Specialized Vehicles (Accessible Minivans, Vans, Accessible Taxicabs & Sedans)	4	100,000	N/A
Light Duty Bus	5	150,000	25' - 35'
Medium Duty Bus	7	200,000	25' - 35'
Heavy Duty Bus-Medium Size	10	350,000	30' - 35'
Heavy Duty Bus-Large Size	12	500,000	Over 35'
Non-Revenue Specialized/ Fleet Support Vehicles (Pick-Up Trucks, Utility Vehicles & Sedans)	10	200,000	N/A

If there is ever a question about what a certain vehicle's classification might be the Altoona Test used for that vehicle is always the substantiating documentation as to its classification. FTA Altoona Bus Test Reports can be found at <http://altoonabustest.psu.edu/test-reports.htm>. Additional requirements related to the Altoona Test are contained in Chapter 4.

Although a minimum standard for useful-life is provided, additional information about the condition of the vehicle is necessary for all replacement requests. Vehicles will not be replaced based solely on age and accumulated mileage. Therefore, details such as repair records or estimated repair costs must be provided to the MTA with the replacement request.

Replacement Prior to Meeting Minimum Useful-Life Criteria

Under extraordinary circumstances, vehicles may need replacement prior to the end of their normal useful lives. In these situations, the LOTS must justify the need for early replacement, including a detailed description of the condition of the vehicle. The MTA is extremely reluctant to replace vehicles prior to the end of their normal service-life and only under extenuating circumstances will this be approved.

If a replacement vehicle is being requested for a vehicle which has not, or will not, meet the established useful-life criteria, the LOTS must describe the circumstances necessitating the replacement of the vehicle. The LOTS would need to complete the information above, in addition to providing the following information:

- A list of repairs that will be required to keep the vehicle in service, and an estimated cost of each repair, and
- A description and cost of repairs made to the vehicle to date (attach the repair and PM records, if available).

The FTA classifies this as early asset replacement.

The FTA/MTA considers the value of vehicles prior to the end of a normal useful life to be based on a straight-line depreciation value calculation and that removal of an FTA/MTA funded vehicle before the end of its normal service-life, for any reason, requires notification to the MTA. Upon notification, the MTA will determine whether it and/or the FTA retains further interest (value) in the vehicle and whether reimbursement of the Federal/State share of its remaining value must take place. For FTA/MTA-funded vehicles, after the normal service-life is met, the MTA no longer retains a financial interest in the vehicle.

PROPERTY AND EQUIPMENT DISPOSITION

The LOTS need a written policy on property and equipment disposition that meets MTA/FTA requirements. Local government disposition requirements must also be followed. Property disposition policies and procedures are generally considered a

standard business practice for local governments. Counties are likely to have a county-wide process in place, and LOTS that are part of county government are encouraged to use their local process. Non-profit organizations and private companies may need to develop a written policy on property and equipment disposition to meet MTA and FTA requirements. The LOTS property disposition policy must also be contained in the LOTS maintenance program described earlier.)

A LOTS may dispose of vehicles and other equipment at the end of their useful life following its locally adopted process after notifying and receiving disposition instructions from the MTA. Following their locally established disposal process, the LOTS should strive to obtain maximum value for the vehicle, property or equipment to be disposed of. If necessary, the MTA may require the LOTS to obtain appraisals in writing by qualified individuals to determine the fair-market value of the equipment to be sold. LOTS must obtain MTA concurrence prior to disposing of any State or Federal funded vehicles, equipment or assets at the end of their useful life.

Request for approval to dispose of capital equipment assets purchased with State or Federal funds **prior to reaching their useful life criteria** require prior MTA approval. These requests are handled on a case-by-case basis, and are subject to straight-line depreciation value calculation used for vehicles discussed under “Replacement Prior to Meeting Minimum Useful-Life Criteria.” LOTS will be responsible for reimbursing the FTA/MTA for any retained Federal or State value that is determined.

Proceeds from Sale of a Vehicle or Equipment

Use of proceeds from the sale of Federal/State funded vehicles and/or equipment must be included in the LOTS disposition policy. Also, proceeds must be added to the LOTS transportation capital budget, utilized for the transportation project, be recorded, and must not be considered local match in any future request for payment. A sample Non-Fare Revenue Tracking Form (Vehicle/Equipment Proceeds Form) is provided as Attachment 3.B (see Chapter 3). The first \$100 of the proceeds can be retained to cover administrative expenses incurred.

- Equipment with a unit market value that exceeds \$5,000 requires reimbursement to the FTA of the proportionate share of the fair market value or the net proceeds of the sale.
- Equipment with a unit market value of \$5,000 or less that has reached the end of its service-life requires no FTA reimbursement. However, the MTA requires that upon completion of the sale, the LOTS provide the sales receipt information and indicate on what capital item(s) they intend to spend the auction proceeds. These funds may be applied to the LOTS transportation capital budget but may not be used as local match in any future grant or request for payment. If the original purchase price was \$1,000 or more, the MTA may request that the LOTS remit back to MTA a proportional amount of the sale based upon the original grant ratio, deducting from this amount if necessary to ensure that the LOTS retains at least \$100 from the proceeds to cover handling expenses.

Disposing of a “Total Loss” Vehicle

For vehicles/equipment involved in a serious accident or other loss where the insurance company determines the accident vehicle/equipment to be a total loss, the following applies. (General vehicle insurance requirements are described in Chapter 11.)

If the Vehicle has Remaining Service-Life

Vehicles that have remaining service-life must be disposed of in accordance with Federal regulations. The LOTS must notify the MTA of the insurance company's determination, the amount to be paid, and the intended disposition of the vehicle prior to accepting the insurance payout. If the payout does not cover the residual value of the vehicle (e.g. the vehicle's remaining straight-line depreciated value), the LOTS will be responsible for paying the remaining Federal and/or State interest on the vehicle.

When the insurance payout is accepted by the LOTS for the totaled vehicle, the LOTS must reinvest the funds in their transportation services and advise the MTA of how the funds will be reinvested in capital equipment.

If the totaled vehicle is not removed by the insurance company, the LOTS must notify the MTA of what will be done with the vehicle. The vehicle may be kept for spare parts, sold, or otherwise disposed of. If the vehicle is sold, any proceeds must be reinvested in the LOTS' transportation capital program.

If the Vehicle has No Remaining Service-Life

Vehicles that are a total loss and have no remaining service-life may be disposed of as noted in the beginning of the Property and Equipment Disposition section. However, the LOTS must provide a written statement of its intentions, with documentation of the vehicle's “useful life” to the MTA.

ADDITIONAL RESOURCES**Maryland Motor Carrier Regulations for Commercial Vehicles**

- Maryland Motor Carrier Program -
http://www.mdot.maryland.gov/newMDOT/Motor_Carrier/index.html
- *Maryland Motor Carrier Handbook* –
<http://www.sha.maryland.gov/OOTS/motorcarrierhandbook.pdf>
- Maryland Public Service Commission, Transportation Division -
<http://www.psc.state.md.us/transportation/>, (410) 767-8000 or (800) 492-0474
- Maryland Preventive Maintenance Program -
http://www.mdot.maryland.gov/newMDOT/Motor_Carrier/PM_Program.html
- Maryland PM Handbook - Order from the Division of State Documents for a nominal fee - Order form- <http://www.dsd.state.md.us/PDF/InfoSheet.pdf>, (410) 974-2486 or (800) 633-9657 (toll-free within Maryland only)
- Maryland PM Inspection Form for Passenger Buses -
<http://www.mdot.maryland.gov/Office%20of%20Maryland%20Motor%20Carrier%20Program/Documents/Passenger%20Bus%20Preventive%20Maintenance%20Report.pdf>
- COMAR Title 11 - Department of Transportation, Subtitle 21 Motor Vehicle Administration - Commercial Motor Vehicles -
http://www.dsd.state.md.us/COMAR/subtitle_chapters/11_Chapters.aspx
- COMAR Title 11 - Department of Transportation, Subtitle 22 Motor Vehicle Administration — Preventive Maintenance Program, 11.22.03 Preventive Maintenance Standards for Multipurpose Passenger Vehicles and Passenger Buses - http://www.dsd.state.md.us/COMAR/subtitle_chapters/11_Chapters.aspx
- COMAR Title 20 - Public Service Commission, Subtitle 95 Transportation, 20.95.01 General -
http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=20.95.01.*

Preventive Maintenance Guidance and Sample Programs

- CTAA's Vehicle Maintenance Management and Inspection (VMMI) certification program -
<http://web1.ctaa.org/webmodules/webarticles/anmviewer.asp?a=37&z=36>
- *Maintenance Management and Safety Guide*, Texas Department of Transportation, Public Transportation Division (2003) -
<https://www.dot.state.tx.us/PTN/documents/mgmtguide.pdf>

- *Washington State Vehicle Maintenance Planning Guide* – <http://www.wsdot.wa.gov/Transit/Grants/VMP.htm>
- *Introduction to Preventive Maintenance: An Investment that Pays Off.* U.S. DOT/National RTAP - <http://demopro.nationalrtap.org/emailResource.aspx?fileid=185&design=1&org=a2GSpnDbrul>
- *Transit Vehicle Inspections: Delivery, Pre-Trip and Annual Inspection Procedures, A Handbook for Rural Transit Providers.* Prepared by Kansas University Transportation Center for Kansas DOT and U.S. DOT/FTA (1997) - <http://www3.cutr.usf.edu/bussafety/documents/tvi-handbook.pdf>

CHAPTER 10: SUMMARY CHECKLIST

- ❑ Establish a PM program and perform scheduled maintenance.
- ❑ Use work orders to track vehicle repairs.
- ❑ Maintain a management information system (MIS) to track vehicle maintenance and performance.
- ❑ Maintain vehicle inventory records for all MTA-funded vehicles that include serial/VIN numbers, MTA grant/project numbers, and FTA grant agreement numbers, and other details.
- ❑ For nongovernmental organizations operating commercial vehicles entirely within Maryland, comply with the requirements of the Maryland Motor Carrier Program.
- ❑ Comply with Maryland PM program requirements for all vehicles requiring a CDL as well as publicly-owned buses with at least ten seats.
- ❑ For nongovernmental organizations operating commercial vehicles across State lines, comply with the requirements of the FMCSA.
- ❑ If outsourcing maintenance, comply with procurement and purchasing requirements as described in Chapter 4 and monitor the contractor to ensure compliance with FTA/MTA requirements. Cross-departmental city or county government contracts must include required FTA clauses.
- ❑ If maintenance is provided in-house under a capital grant project of at least \$100,000, comply with force account requirements.
- ❑ Ensure that mechanics that drive vehicles designed to carry 16 or more passengers, including the driver, possess valid CDLs.
- ❑ Include mechanics and supervisors in the FTA Drug and Alcohol program.
- ❑ Ensure that drivers conduct daily pre-trip inspections of vehicles.
- ❑ Maintain an adequate number of spare vehicles to provide coverage for maintenance, repairs, and breakdowns/accidents.
- ❑ Clean vehicle interiors and exteriors on a regular basis.
- ❑ Ensure that vehicles and equipment are securely stored.
- ❑ Plan and apply for replacement of vehicles that have met MTA useful life criteria. Annually update your asset management plan.
- ❑ Establish a written policy for disposition of property and equipment.
- ❑ Dispose of vehicles and equipment only after receiving MTA concurrence. Comply with local disposition requirements.

11

SAFETY, SECURITY, AND RISK MANAGEMENT

Each LOTS needs to have safety, security, and risk management programs in effect to ensure the safest possible services and minimize the possibility of accidents and potential impacts on the agency and its customers. This chapter includes:

- ***Safety and Security Program Requirements***
- ***Operational Safety***
- ***Shop Safety***
- ***Environmental Hazards and Occupational Safety and Health Administration (OSHA) Standards***
- ***Risk Management***

SAFETY AND SECURITY PROGRAM REQUIREMENTS

All LOTS are required to develop and implement a Safety and Security Program that meets the requirements described in this chapter. At a minimum,

- The transit manager will have a working relationship with local emergency management staff.
- The LOTS will have an active and implemented FTA-compliant Drug and Alcohol program (described in Chapter 8).
- The LOTS will adhere to all applicable CDL and FMCSA rules and regulations.

It is suggested that all supervisors and managers are National Incident Management System (NIMS) 100 certified. This can be accomplished by taking a free on-line course offered through FEMA (*IS-100.B: Introduction to Incident Command System, ICS-100*) - <https://training.fema.gov/is/courseoverview.aspx?code=IS-100.b>.

All LOTS must annually certify that they are spending one percent of Federal funds for transit security projects. You will be required to itemize these projects in your annual application.

Introduction to Forthcoming FTA Requirements

The passage of MAP-21 in 2012 and the FAST Act in 2015 established new requirements for transit safety and oversight. Among these new requirements, recipients of FTA/MTA funding must develop an agency safety plan and certify that the plan meets FTA requirements. The FTA is in the process of determining requirements for Public Transportation Agency Safety Plans. The FTA issued a Notice of Proposed Rulemaking for 49 CFR Part 673 in February 2016. Once the final rule is published, the MTA will require the LOTS to develop Public Transportation Agency Safety Plans that comply with 49 CFR Part 673.

LOTS can follow FTA rulemaking through documents posted on this page:
<https://www.transit.dot.gov/regulations-guidance/rulemaking>

The FTA also published a final rule on the National Public Transportation Safety Program in August 2016 (49 CFR Part 670), which lays out the framework FTA intends to use for all transit safety programs. The framework is called Safety Management Systems (SMS). SMS is a management system, similar to financial management, IT management and asset management. SMS is defined as “the formal, top-down, data-driven, organization-wide approach to managing safety risk and assuring effectiveness of safety risk mitigations.”

Although the Public Transportation Agency Safety Plan rule is not yet final, FTA expects all transit agencies to begin implementing SMS at their organizations. The OLTS is assisting LOTS in this process. The initial step in this process is for the LOTS to complete the Safety Documents Checklist and upload the checklist to the ProjectWise Safety Management folder. Three LOTS agencies are also participating in a SMS Implementation Pilot Program hosted by the FTA. These efforts, among others, will assist LOTS in building a strong and successful SMS culture at their agencies.

The National Public Transportation Safety Plan was published by the FTA in final form in January 2017. This document describes the SMS framework and lays out the required safety performance measures that transit agencies will need to include in their agency safety plans. Transit agencies are also required to set performance targets for state of good repair as part of the Transit Asset Management Plan. These parallel processes, Safety Management and Asset Management, are intended to support each other, for the mutual benefit of both safety and a commitment to maintaining a state of good repair.

LOTS can access the final National Public Transportation Safety Plan here:
<https://www.transit.dot.gov/regulations-and-guidance/safety/national-public-transportation-safety-plan>

The FTA SMS framework is comprised of four components and 12 subcomponents, as listed in the following table.

Safety Management System Components

Safety Management Policy	Safety Assurance
<ul style="list-style-type: none">1. Safety Management Policy Statement2. Safety Accountabilities and Responsibilities3. Integration with Public Safety and Emergency Management4. SMS Documentation and Records	<ul style="list-style-type: none">8. Safety Performance Monitoring and Measurement9. Management of Change10. Continuous Improvement
Safety Risk Management	Safety Promotion
<ul style="list-style-type: none">5. Safety Hazard Identification6. Safety Risk Assessment7. Safety Risk Mitigation	<ul style="list-style-type: none">11. Safety Communication12. Competencies and Training

To prepare for the establishment and implementation of SMS, LOTS should begin development of Safety Management Policy subcomponent activities. OLTS will assist LOTS agencies with developing Safety Management Policy activities through workshops and webinars over the coming year. Initial focus will be on: designating an Accountable Executive, developing an agency SMS Policy Statement, delineating clear safety management responsibilities and accountabilities, and developing or maintaining an employee safety reporting system.

FTA's Model Bus Safety and Security Program

In July 2001, the FTA developed a Model Bus Safety and Security Program for local transit systems to implement, including the definition of a number of core elements and enhancements to be addressed. The core elements are to be addressed by all modes and sizes of transit systems, with additional enhancements for larger all-bus systems and "fixed guideway" systems. This program followed an earlier requirement for Safety and Security Plans for all rail transit systems.

The events of September 11, 2001 brought into focus the vulnerability of our nation's transportation system to acts of terrorism, with safety and security implications for local bus providers. Public transit is also faced with a variety of non-catastrophic security concerns, such as the potential for theft, malicious acts by disgruntled employees, vandalism, and arson. Planning and implementing system security measures can deter the more minor and commonplace threats, as well as mitigate the unlikely catastrophic level of threat.

Local transit systems can minimize the risk associated with all types of safety and security threats through proactive planning. Under a joint effort, the FTA, the American

Association of State Highway and Transportation Officials (AASHTO), the American Public Transportation Association (APTA), and the Community Transportation Association of America (CTAA) developed specific guidelines for the elements to be included in the Safety and Security Program for transit systems of different sizes and service types. Based on the recommendations detailed in the April 2003 Model Bus Safety and Security Program Memorandum of Understanding (MOU) (Appendix J), the MTA requires the LOTS to develop their own plan that addresses each of the core elements as appropriate for their systems.

Program Development Guidelines

The following checklist provides suggested steps for developing a LOTS safety and security program.

1. Determine what safety hazards and security threats your system needs to prevent or be prepared to manage, based on a risk-based assessment process.
2. Develop an outline of the contents of your program based on your local needs, including the core elements, as well as any enhanced elements that pertain to your system. Set up a large three-ring binder with tab dividers for all major categories.
3. Gather all existing written policies and procedures related to safety and security and organize them according to your program outline. The Safety Documents Checklist provided to the LOTS in the November 2016 workshop is a helpful checklist. Determine what items still need to be developed, as well as what (if any) existing materials need to be updated.
4. Develop new items and update existing items if needed, drawing from existing examples and templates available to use – see list of additional resources at the end of this chapter, as well as specific items referred to in the context of each core element description. Document all items in writing, including policies and procedures, checklists, and forms. Include references to stand-alone documents that are too large to incorporate.
5. Involve your staff in the development and update of items. It may be helpful to form a task force of drivers, dispatchers, trainers, supervisors, maintenance personnel, and other staff to ensure the program adequately addresses safety and security concerns of staff throughout your organization and provides emergency procedures in sufficient detail.
6. Consult with the experts outside of your organization. Security and emergency response plans should be developed in coordination with community first responders, including police, fire, emergency medical, and other entities appropriate for your service area (which may include State or Federal agencies). It is recommended these agencies review and comment on the transit agency's emergency response program.

7. Date all items as they are finalized or updated, and place them in the binder.
8. Provide written information to employees and train them in all procedures.

Core Elements

This section provides guidelines for the FTA-defined core elements of the Safety and Security Program. All LOTS must address each of the core elements. However, recognizing that “one size does not fit all,” the MTA encourages each LOTS to tailor its Safety and Security Program to local conditions, with the complexity of the plan reflecting the size of the community, the size of the transit system, and the use of contracted service operators.

The core elements are:

1. Security Program
2. Driver/Employee Selection
3. Driver/Employee Training
4. Vehicle Maintenance
5. Drug and Alcohol Abuse Programs
6. Safety Data Acquisition and Analysis

These core elements are summarized below, with cross-references to more detailed recommendations found in other chapters of the LOTS Manual.

Core Element 1: Security Program

The MOU calls for a basic security program as a part of the core elements for all transit systems, with enhanced security elements for transit systems operating in urbanized areas. Security risks encompass a variety of threats to normal operations of transit services, including natural disasters and weather-related events, technological events (such as a power outage or hazmat spill), crime, and acts of terrorism. A successful security program assesses and mitigates for security risks based on the threat, vulnerability, likelihood, and severity of the risk. OLTs provides a resource for performing security risk assessments in the ProjectWise Safety Management folder, as part of the November 2016 LOTS workshop presentation.

Security and Emergency Preparedness Plans

Each LOTS should develop plans and procedures to deal with security threats and emergency management. APTA has published a template Security and Emergency Preparedness Plan that provides a framework for key considerations in preparing a security/emergency management plan (see Additional Resources at the end of this chapter).

Suggested security areas to address in the Security and Emergency Preparedness Plan:

- Facilities Including administration, operations, maintenance, and passenger facilities, addressing such items as access control, lighting, monitoring, and procedures for graffiti removal.
- Vehicles - Including checking for unusual items during pre- and post-trip inspections, procedures for shutting down and securement during driver breaks, key control, and storage.
- Cash handling - Including procedures for fare collection, ticket sales, money counting, and deposits.
- Information - Including computer security, regular back-up of data, and protection of confidential information (such as personnel files).
- Training - To recognize and report suspicious or illegal activity, which the FTA recommends for operating personnel, non-operating personnel, and customers.
- Violence in the Workplace - Including prevention of and response to violence from internal and external sources.
- Security Incident Procedures - Including follow-up and documentation.

Suggested emergency management areas to address in the Security and Emergency Management Plan:

- Accidents/incidents
- Medical emergencies
- Severe weather operations
- Vehicle fire
- Bomb threat

If appropriate for your community, plans should also be developed for response to emergencies involving hazardous materials, industrial accidents, chemical or biological threats, and other potential natural disasters or terrorist actions.

Security and emergency response plans should be developed in coordination with community first responders, including police, fire, emergency medical, and other entities appropriate for your service area (which may include State or Federal agencies). It is recommended these agencies review and comment on the transit agency's plan. The LOTS should also be involved in community emergency response planning since transit can play a critical role in evacuating individuals to a safe area, as well as providing temporary shelter.

It is also recommended that the LOTS agencies participate in coordinated emergency response drills and exercises with community first responders, based on the Homeland Security Exercise and Evaluation Program (HSEEP).

One Percent Rule

All LOTS are required to spend one percent of grants funds annually for transit security projects. You will be required to itemize these projects in your annual

application. Such projects include surveillance cameras, building security systems, and lighting. Federal grantees are encouraged to perform crime prevention reviews during the design phase of all FTA-funded transit facilities with particular focus on crime prevention through environmental design techniques.

Security Measures

Passenger and employee security is a foremost priority for a transit agency. Efficient transportation of passengers is limited when employees and passengers feel unsafe in their ridership environment. Utilizing common sense crime prevention methods can help to mitigate breaches in transit security.

- Fare Collection – Transit vehicles should be equipped with a reliable method of fare collection. Bus fares should be collected in a systematic manner and deposited into a farebox or other unit easily visible to the driver. Instituting a method of fare collection reduces the risks involved in carrying sums of money in a concentrated area.
- Vehicle and Facility Security – A secure transit facility and vehicle storage area reflect an agency's commitment to safety from the ground level up. Storing buses in a fenced sector and installing surveillance cameras can help to prevent desecration of property and employee injury. In addition, locking bus doors and removing fare collection devices decrease the opportunities for vandalism. The transit facility itself should be regularly inspected for maintenance and equipment problems. An inspection might look at the overall cleanliness of the facility, the proper storage of tools, materials, and portable equipment, the compliance with health and safety regulations, and other safety matters.
- Bus Stop Conditions – Placement and visibility of bus stops are key factors in increasing passenger security, reducing injuries, and increasing ridership. Placing bus stops in areas that are well trafficked and visible to other businesses is a simple method of providing natural surveillance. Bus stops that are well-lit whether naturally or electrically help to deter individuals from criminal activity. If a bus shelter is incorporated into the stop, it should be constructed of materials that allow the passengers an unobstructed view of the activity that surrounds them. Other methods of security enhancement might include the removal of pay phones, clear signage, and the prompt removal of graffiti and repairs of vandalism. APTA has published recommended practices for bus stop design and placement (see Additional Resources at the end of this chapter).

Core Element 2: Driver/Employee Selection

The Safety and Security Program needs to define driver qualifications and background requirements, which should apply to all safety-critical employees, both paid and volunteer. At a minimum, these requirements should detail licensing,

driving record, and physical requirements (CDL and non-CDL). It may also be appropriate for your system to conduct criminal background checks on potential drivers. In addition to defining basic requirements, the Safety and Security Program should address record-keeping and any status checks conducted periodically. All systems should take advantage of MVA's license flagging system. Requirements and recommendations related to hiring practices and fitness for duty are described in Chapter 8.

Core Element 3: Driver/Employee Training

This element should define initial and ongoing (refresher) training requirements for safety-critical employees. Recommendations for minimum driver training topics are outlined in Chapter 8. The Safety and Security Program should identify when each type of training is conducted (hiring vs. refresher), how much time is spent on each topic, how successful completion is determined (are drivers tested for proficiency?), how any certifications are kept up-to-date, and recordkeeping. It should also identify who conducts the training, define the minimum qualifications of trainers, and give procedures for updating training.

Core Element 4: Vehicle Maintenance

The Safety and Security Program should outline how vehicles are maintained, including PM (daily servicing needs, periodic inspection, and interval-related) and repairs (failure maintenance). Recommendations for a basic PM plan are provided in Chapter 10. The Safety and Security Program should outline the transit agency's PM plan, the responsible parties, and recordkeeping. It should also address shop safety (covered later in this chapter).

Core Element 5: Drug and Alcohol Abuse Programs

The Safety and Security Program should describe the agency's Drug and Alcohol Program, including policies and procedures, testing, and training. FTA Drug and Alcohol Program requirements are outlined in Chapter 8 of this manual. The transit provider's safety program should outline the specific policies, procedures, and responsibilities, or reference the appropriate master document containing that information.

Core Element 6: Safety Data Acquisition/Analysis

This element involves the gathering and analyzing of data related to the safety program in order to meet MTA/FTA reporting requirements and to internally evaluate the effectiveness of the safety program. These data include information gathered from within the system on safety-related events such as passenger injuries or claims, employee injuries, accidents, incidents, and preventability. Driver reports or logs can be an important source of safety problems, such as dangerous stop locations, problems with bus equipment, and safety problems with the route. The data may also help improve system performance, not only in respect to safety, but also in overall delivery of service to the riding public. In addition, trend analyses of

safety data can help determine the effectiveness of safety initiatives that have been implemented.

NTD Safety Data Reporting

Recipients of Section 5307 are required to report safety data to the FTA for the NTD. Section 5311 recipients are required to submit an abbreviated rural NTD report to the MTA, who in turn submits a statewide report to the FTA for the NTD Rural Data Reporting System. The LOTS reporting requirements are discussed in Chapter 3.

The NTD requires the following annual safety data be reported for rural systems:

- Number of fatalities
- Number of major events
- Number of injuries

In addition to the three safety performance measures now submitted by all LOTS, the FTA has included a new measure in the National Public Transportation Safety Plan that is meant to capture the relationship between asset management and safety/reliability: mean distance between major mechanical failures. The FTA describes the new measure as, “revenue miles operated divided by the number of major mechanical failures” (i.e., breakdowns of brakes, doors, engine cooling systems, steering, axles and suspension). LOTS that do not currently track major mechanical failures as part of their NTD reporting or maintenance program will need to develop the means to collect data for this newly-required performance measure.

All safety data measures should be calculated and tracked each year by both the total number and on the basis of number of occurrences per revenue vehicle mile.

Accidents and incidents that involve fatalities must be reported to MTA immediately. The LOTS are also advised to report any accidents or incidents in which the vehicle has been totaled and/or removed from service to MTA as soon as possible.

Lagging vs. Leading Indicators

The FTA-required safety data reported to the NTD measures events that have already occurred, otherwise known as “lagging” indicators. In addition to lagging indicators, The LOTS should also attempt to internally track data that can be used as “leading” indicators, in order to determine trends in the LOTS safety record and identify common causes of safety hazards, or observe whether improvements made to the transit system safety programs result in corresponding improvements to the safety record. Some potential leading indicators are:

- Number of traffic tickets issued to bus operators
- Percent of buses that exceeded the speed limit
- Number of road calls
- Incidents of vandalism of bus stops, system facilities, or vehicles
- Employee work days lost to injury
- Customer complaint or compliment rate
- Number of vehicles with specific safety devices or equipment (e.g., AVL, security cameras)
- Number and rate of operator safety training and refresher courses

Enhanced Elements

In addition to the six core elements outlined above, all Section 5307 recipients (including those in small urbanized areas) should develop a comprehensive system safety program with procedures to address elements listed below as applicable to the type of services operated. The comprehensive safety program element activities are organized into three groups: safety process-centric, human-centric, and infrastructure and equipment-centric elements.

Safety Process-centric Elements

These elements represent processes and procedures that provide an important foundation for building and expanding a safety program. They focus on understanding the safety issues within the transit bus operations (accidents, incidents, and hazards) so that safety resources can be properly directed. OLTS provides a resource guide for performing safety hazard identification, assessment, and mitigation in the ProjectWise Safety Management folder, as part of the November 2016 LOTs workshop presentation.

The safety process-centric elements include:

- Accident/incident reporting and investigation
- Hazard identification/resolution process
- Emergency response planning, coordination, and training
- Internal safety audit process

Human-centric Elements

These elements focus on processes or procedures that are directed toward driver and employee safety issues. These include:

- Employee safety program
- Fitness for Duty (FFD) (additional requirements beyond the drug and alcohol FFD requirements)
- Rules/procedures review
- Contractor safety coordination

Infrastructure and Equipment-centric Elements

These elements address safety issues related to the transit system vehicles and general infrastructure and include:

- Vehicle acquisition
- Facilities inspections
- Maintenance audits/Inspections
- Hazardous materials program
- Alternative fuels and safety
- System modification review/approval process
- Interdepartmental/interagency coordination
- Configuration management
- Procurement
- Operating environment and passenger facility management
- Dedicated busway or roadway inspection and maintenance (for fixed-guideway systems)

It must be stressed that the FTA and the MTA do not expect all Section 5307 recipients to include all of the enhanced elements. Large transit bus providers typically have a need for all or most of these enhanced elements in their Safety and Security Programs. Smaller transit bus providers should incorporate these enhanced elements as their size and/or responsibilities grow, or as the need is indicated by operational safety and security experience to further improve their safety program.

Civil Rights and Emergency Preparedness

Safety and security need to be viewed through the lens of Title VI of the Civil Rights Act of 1964 and the ADA. As LOTS work to improve their ability to respond and recover from emergencies and disasters, you have a responsibility to ensure that individuals will not be denied the benefits of, be excluded from participation in, or be subject to discrimination under these essential transportation programs. Recipients of FTA funds should ensure that their emergency preparedness, disaster response, and disaster recovery planning and operations comply with Federal civil rights laws. Refer to Chapter 13 for more information.

Program Documentation Requirements

The Safety and Security Program must be documented in written format, adopted by the local governing board, and made available for inspection by the MTA upon request. The written program should include written policies and procedures, copies of any forms used for documentation, and summary reports with the results of the data acquisition and analysis element. It must be organized so that MTA staff can clearly determine that all minimum requirements have been met. As such, there should be a section addressing each of the six core elements, plus any enhanced elements developed by Section 5307 recipients.

For portions of the security and emergency response plans, the LOTS may find it appropriate to refer to plans which have already been developed by community first response agencies rather than “reinventing the wheel,” particularly if the LOTS is part of local government. However, it is critical that the LOTS have copies of and be familiar with the referred-to plans.

The written Safety and Security Program should be reviewed at least annually and updated on an ongoing basis as needed.

OPERATIONAL SAFETY

Well-trained and motivated employees are in an optimum position to provide safe and efficient transportation services. Some common-sense personnel management practices that can help promote safety and minimize exposure or risk in your agency are outlined below. More information on personnel requirements and regulations are found in Chapter 8. Many of the practices introduced below are required elements of your Safety and Security Program.

Hiring Employees Who Will Provide Safe Services

Hiring qualified individuals is an important first step in ensuring a transit agency's success. Transit agencies should review each potential employee's past driving record. If applicable, out-of-state records should also be checked. Any available safety, accident, and criminal records (if necessary) should be investigated. Interviews are also an informative method of determining an employee's qualifications. See Chapter 8 for more information on conducting background checks and requiring road tests as part of the hiring process.

Drug and Alcohol Testing

Employees who perform safety sensitive job functions are responsible for the lives of the passengers who use your system as well as other drivers. Drivers and maintenance workers who are alert and functional are an agency's best defense against passenger injury or death. Transit agencies should ensure that they fully understand and implement the required drug and alcohol testing procedures. For more information concerning drug and alcohol testing program requirements, see Chapter 8.

Safety Handbook

Both newly hired and veteran employees often find it helpful to have a set of employment guidelines that they can reference for safety information. A safety handbook is one manner of presenting this information. The handbook should include safety policies and procedures and directions to where additional information can be found.

Training

Training and continuous learning programs are an essential part of any transit agency's effort to provide a safe working environment. Courses in maintenance, management, driver operations, safety, and supervision should be directed toward the appropriate individuals. All vehicle operators and supervisors should be trained in defensive driving, CPR, First Aid, and safety needs assistance and awareness. Employees who work with hazardous materials require proper training on safe handling practices, health effects, cleanup procedures, material safety data sheets, and the toxic chemicals. Employees should sign a statement acknowledging their training and employers should also keep their own log. Refresher training courses conducted approximately three to six months after an initial training session are a helpful reinforcement mechanism. Review programs that track a new employee's progress are also advantageous in determining the amount of training required. Remember, there are many required training elements discussed throughout this manual. Refer to chapters 5, 8, 12 and 13 for required training elements with which LOTS must comply. Chapter 9 lists policies and procedures in which LOTS should train their employees.

Safety issues should be addressed in the following types of training:

- Defensive driving
- Passenger assistance techniques, including self-protection
- Conducting pre-trip inspections
- Vehicle maintenance
- Accident/incident procedures, including recordkeeping and reporting
- Emergency procedures, including:
 - Vehicle evacuation
 - Facilities evacuation
 - Evacuation of individuals in wheelchairs
 - Fire-fighting
 - CPR/first aid
 - Bodily fluid cleanup
- Inclement weather operations
- Good work practices, including:
 - Being fully present, aware of, and engaged with the job at hand
 - Taking care of their health, including ergonomic work habits (such as driving posture and proper moving and lifting techniques for any equipment drivers may operate or move) and taking adequate restroom breaks
 - Stress reduction (should address keeping calm in traffic, dealing with difficult customers, and general stress reduction techniques)
 - Hand-washing and other disease-prevention techniques
 - Appropriate and safe use of mobile phones
 - Handling potentially hazardous materials

Defensive Driving Programs

A number of excellent programs have been developed on defensive driving techniques, including the National Safety Council Defensive Driving courses, Smith System for Defensive Driving, and the Identify, Predict, Decide, and Execute (IPDE) System. U.S. DOT's Transportation Safety Institute (TSI) offers a five-day Instructors Course for Transit Trainers which addresses defensive driving as well as other transit-specific topics. For the rural transit industry, the National RTAP Safety Training and Rural Transit (START) course includes defensive driving and vehicle and passenger safety modules, with instructor's and learner's guides.

All drivers should receive training in defensive driving before they are allowed to drive LOTS vehicles, and should receive refresher training on a periodic basis. Whatever program your agency uses, it is critical that drivers are trained in the differences between driving a bus and driving a car.

Distracted Driving/Cell Phone/Portable Electronic Device Policy

Maryland law prohibits all Maryland drivers from:

- Using a cell phone without a hands-free device while operating a motor vehicle, and
- Using a text messaging device to write or send a text message while operating a motor vehicle in motion or in the travel portion of the roadway with some exceptions such as the use of a global positioning system, or text messaging to contact a 9-1-1 system.

All LOTS are required to establish a policy regarding the safe use of cell phones and other portable electronic devices for your employees and subcontractors. A copy of this policy must be submitted with each ATP.

Passenger Safety

Your agency should establish safety policies that passengers are responsible for observing, including those relating to:

- Smoking on vehicles (illegal under State law),
- Standing in restricted areas of the vehicle while it is in motion,
- Talking to the driver while the vehicle is in motion,
- Remaining seated while the vehicle is in motion,
- Use of seat belts in vehicles equipped with them,
- Folding strollers before boarding the vehicle,
- Priority seating for seniors and individuals with disabilities
- Carrying weapons,
- Traveling with pets, and
- Aggressive behavior.

Passenger Loads

Your agency should establish operating policies on the maximum number of passengers permitted on each type of vehicle in your fleet, including standees if allowed based upon the manufacturer's recommendations and the weight the vehicle is designed to safely carry. Drivers should be informed of these maximum loads, and be made aware of the increased stopping time needed for a fully loaded bus, as well as the risk of standee passenger injury because of sudden starts and stops.

Note that the maximum load allowable for safety reasons may exceed the acceptable load standard established as part of the Title VI program for fixed-route services (discussed in Chapter 2).

Location and Design of Bus Stops

The location and design of bus stops in your system should take safety into consideration, both in terms of safe vehicle operations (street side) and safety of customers waiting to board the bus (curb side). More guidance on bus stop design is provided in Chapter 7.

Emergency Procedures

Although a rare occurrence, it is important that transit employees are prepared to effectively negotiate emergency incidents within their bus system. Such incidents might include fires, bomb threats, natural disasters, and suicides. Employees should know how to report and evaluate the emergency, notify and dispatch the required personnel, evacuate and protect the passengers, establish clear modes of communication between the parties involved, and restore normal operations. More information on emergency preparedness planning requirements is found earlier in this chapter.

Emergency exits in vehicles must be clearly marked with instructions as needed, free from obstructions and well-maintained to ensure that latches are in good working order.

Your agency should also have a public information plan for emergencies, including providing updates to your customers on service disruptions and limiting sensitive information that is made public (i.e., through a designated spokesperson).

Accident/Incident Procedures

Your agency should establish policies and procedures for accidents and incidents, including:

- Reporting and record-keeping requirements,
- Communications protocol,
- Interfacing with the police, the other involved parties, and insurance companies,
- Internal investigation procedures/preventability determination,
- Disciplinary actions, including an appeals process, and

- Retraining policies.

Reporting Accidents and Incidents to the MTA

The following types of accidents and incidents must be reported to the MTA as soon as possible after the occurrence (regardless of vehicle funding source) and must also be included with the LOTS quarterly or monthly report to the MTA:

- **Reportable Event** - A safety or security incident occurring on transit property or involving a transit revenue vehicle that results in one or more of the following conditions: a fatality confirmed within 30 days of the incident, an injury requiring immediate medical attention away from the scene for one or more individuals, property damage equal to or exceeding \$25,000, a collision involving a transit revenue vehicle that requires towing the transit vehicle or other non-transit vehicle, and/or an evacuation for life safety reasons.

Fatality - A death or suicide confirmed within 30 days of a reported incident; does not include deaths in or on transit property that are a result of illness or other natural causes.

Injury - Any physical damage or harm to individuals as a result of an incident that requires immediate medical attention away from the scene.

Employee Incentive Programs

To promote safe transit operations, an employee incentive program that recognizes employees for accident-free and incident-free driving (based upon miles and/or years of service) is recommended. All employees have the potential to earn these awards through conscientious driving.

The MTA and TAM host an annual “Rodeo” for the LOTS and human service agency drivers across the State. This friendly competition tests the safety skills of drivers in two classes of vehicles. Your agency may want to start its own internal or county-wide Rodeo. For more information on setting up a local Rodeo or participating in the State Rodeo, contact TAM or your Regional Planner.

SHOP SAFETY

To operate a safe maintenance shop, LOTS managers should be aware of all the environmental and occupational safety hazards that are present (explained in the next section), and to create and enforce policies to protect those that work in the environment. The following policies and procedures pertain to shop safety:

- Access to the shop area should be limited to only those employees who have business to tend to in the shop.

- All shop employees must have protective shoes and eyewear, that should worn at all times. Visitors to the shop should also be required to wear protective eyewear.
- Shop personnel must undergo training on the use of new equipment and should receive refresher training periodically.
- Shop personnel should be aware of manufacturer's suggestions regarding towing, lifting, and securing each particular type of vehicle.
- Personnel must be trained in accident response and use of protective equipment, such as eyewashes.
- Regular shop safety audits and shop staff meetings provide good opportunities for identifying and addressing safety concerns.
- Shop equipment, including lifts, jacks, and jackstands, must undergo a PM according to manufacturers' specifications and must be regularly inspected for proper operation by staff. Periodic inspections by manufacturer's representatives will ensure that equipment is in proper and safe working order.
- Any broken or obsolete equipment must be repaired or removed so as to eliminate potential hazards caused by misuse or malfunctioning equipment.
- Warning signs must be posted at each work station where there are potential hazards such as caustic chemicals and/or moving equipment. Safe handling and operating procedures must be posted as well.
- Staff should be cautious about the location of storage areas in proximity to chemicals, gases, and other equipment such as grinders and welders.
- The shop should be well-lit, free of debris, and cleaned regularly, including floors.
- Disposal and storage containers must be clearly marked to decrease the possibility of chemical mixing.
- Any overhead storage areas must be inspected and weight rated prior to use.
- Electrical cords and outlets must be inspected regularly for fraying or other damage, and replaced as necessary. They should also have permanent storage locations that keep them off the shop floor and reduce the risk of being tripped over.
- All shop accidents, regardless of severity, must be investigated to determine cause and preventability, much like any vehicular accident.

ENVIRONMENTAL HAZARDS AND OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION STANDARDS

The potentially hazardous materials that transit maintenance and storage facilities utilize make them particularly susceptible to environmental accidents. These facilities should be considered “restricted” areas and the personnel given the appropriate safety equipment. If your transit agency utilizes underground or above ground fuel tanks, they must be installed and maintained according to regulatory standards. Levels of fluid should be checked daily and comprehensive records kept regarding fluid use. Any leakage of fluid is the financial responsibility of the transit agency. Furthermore, the prompt cleanup of all environmental damage is necessary. Not only does environmental damage pose a threat to employee health, fines may be imposed if the problem is neglected.

While an office environment is generally considered safer than a maintenance facility, accidents still occur. Good housekeeping practices, the installation of the proper fire equipment, and well-marked emergency routes help to improve safety standards.

The LOTS should be aware of OSHA standards that impact their facilities. Matters such as employee exposure to flammable/toxic materials and blood-borne pathogens should be thoroughly addressed.

Additional legislation and regulation include OSHA standards for Hazard Communication (<http://www.osha.gov/dsg/hazcom/standards.html>), the Emergency Planning and Community Right-to-Know Act (<https://www.epa.gov/epcra>), the Resource Conservation and Recovery Act (<https://www.epa.gov/rcra>), and the Maryland Occupational Safety and Health (MOSH) (<http://www.dllr.state.md.us/labor/mosh/>).

OSHA (<http://www.osha.gov/>) offers a free consultation service, separate from its inspection program, to assist employers in identifying potential hazards without enforcing citations or penalties. Though primarily targeted at small businesses, this service can also be used by the private-sector LOTS. The OSHA consultant conducts a walk-through inspection with management and appraises the safety of the workplace. Hazards identified during the inspection must be rectified. This is an excellent preventive safety measure that can save your agency money; if an OSHA inspector identified the problems, your agency would be cited and substantial financial penalties would likely be imposed. Public sector employers can request a survey from MOSH. For more information on OSHA consultation and survey programs in Maryland, see <http://www.dllr.state.md.us/labor/mosh/volc.shtml>.

Reporting Hazardous Waste

Transit providers and other public and private organizations that use MSDS (material safety data sheets) are required to submit reports concerning their use of hazardous chemicals to the local Emergency Planning Committee, the State Emergency Response Commission, and the local fire department if they exceed the EPA designated minimum

threshold for that chemical. For more information refer to the Federal Emergency Planning and Community Right-to-Know Act (<https://www.epa.gov/epcra>).

Disposing of Hazardous Waste

The most common hazardous waste products that transit facilities produce are solvents, acids/bases, heavy metal/inorganics, and lead/acid batteries. The disposal of these wastes is regulated by Federal and State public health and environmental safety laws. The numerous requirements that an agency must follow include, but are by no means limited to:

- Determining whether your transit agency is a small, medium, or large generator,
- Inventorying the chemicals in your possession as listed under the Resource Conservation and Recovery Act,
- Shipping only to hazardous waste facilities,
- Keeping accurate records of all test reports and shipments,
- Filing an annual report with the EPA,
- Reporting shipping problems to the EPA,
- Only using transports that have EPA identification numbers, and
- Obtaining your own generator identification number from the EPA.

RISK MANAGEMENT

Forming a Risk Management Policy: The First Steps

An effective risk management policy requires the active participation of all transit employees. Every individual, whether in management, operations, maintenance, or finance, has the responsibility of ensuring the safest possible operation of a transit system. The key steps involved in creating a risk management policy include risk identification, measurement, and evaluation. Risk identification concerns identifying the types of risk that your transit system is likely to encounter. Measurement and evaluation asks the transit system to look at the potential risks and determine their frequency and seriousness.

Assessing the loss history of your own transit system, the losses of similar systems, transit industry risk management data, and projections by risk management professionals is an invaluable method for executing these steps.

While types of loss and liability will obviously vary from system to system, those most commonly encountered in transit operation include:

- Automobile liability
- General liability
- Property losses
- Director and officer liability
- Employee liability and worker's compensation
- Environmental losses

- Contractual liability
- Business interruption
- Less common losses, but also those that deserve attention are violations of EPA, ADA, Civil Rights, OSHA, sexual harassment, environmental, procurement, and grant regulations.

Finding the Best Method for Coping with Your Risks

Through risk avoidance and loss prevention, LOTS will be able to either avoid or significantly minimize certain types of losses that occur. For example, by offering training/retraining programs, the LOTS may significantly reduce the number of accidents that are driver related. Also, by paying careful attention to inclement weather conditions and altering transit routes accordingly, LOTS may completely avoid weather-related accidents/injuries.

A second method for coping with risks involves either risk retention or risk transfer. Both of these methods rest on the assumption that in operating a transit system, some risks are unavoidable. As a result, steps must be taken to effectively mitigate these losses.

- Risk retention is the theory that it is more cost effective for transit systems to take direct responsibility for specified losses at a particular dollar amount. Three techniques of risk retention are deductibles, self-insured retentions (SIR), and self-insurance. The best technique(s) depend upon the size of the LOTS and the amount of the anticipated loss. As a general guideline, the set dollar amount for a deductible ranges from \$500 to \$5,000, and the set dollar amount for SIRs ranges from \$15,000 to several million dollars. Self-insurance simply means choosing to retain loss costs at any level.
- Risk Transfer involves transferring financial responsibility for loss to another individual or company. “Hold Harmless” and indemnity in contracts clauses and purchasing insurance are the most effective methods of transferring risk.

Insurance

Insurance is the primary form of risk transfer utilized by both companies and individuals. As you probably already know, insurance coverage rests on the premise that a purchaser agrees to a set premium payment and the insurance company accepts the purchaser’s liability and monetary loss. There are three layers of insurance coverage:

1. Primary coverage,
2. Excess coverage, and
3. Umbrella coverage.

LOTS should follow their local procurement policies (see Chapter 4) when purchasing insurance. Specifications including the miles of vehicle operation, number of passengers carried, loss history, and vehicle information should be given to a number of companies to obtain comparable price quotes.

LOTS usually focus on the following insurance categories:

- General Liability (accident/personal liability insurance) - Covers liability expenses resulting from personal injury and property damage that was incurred as a result of a transit vehicle.
- Automobile Liability – Provides protection against property damage or bodily injury liability as a result of operating a motor vehicle.
- Uninsured/Underinsured Motorist Coverage – Protects against bodily injury and physical damage loss from uninsured/underinsured vehicles.
- Automobile Physical Damage – Provides coverage for owned or leased vehicles that are damaged or lost as a result of collision or comprehensive risks.
- Building and Contents – Covers losses incurred against the structure itself and its contents. Agencies may need to purchase special property coverage that includes computers or other valuable equipment. These coverages may extend to loss of revenue.
- Director's and Officer's Liability – Protects directors and officers from possible personal monetary loss as a result of claims that are filed in reaction to their duties and responsibilities.
- Worker's Compensation – Provides employee, job related injury coverage. State specifications should be followed.
- Professional Insurance – Protects against problems that occur as a result of professional advice and related service.

Minimum Insurance Levels

The LOTS that are part of a local municipal or county government must follow their locally established insurance standards and any applicable State insurance requirements. Many LOTS that are part of a local municipal or county government are part of a self-insurance program with a wide range of local government-imposed minimum insurance levels.

The LOTS that own Federally-funded vehicles and other equipment must meet their own and the State's minimum insurance levels **which must be adequate to protect the Federal interest in the vehicle/equipment within the useful life for such vehicle/equipment as determined by State and/or Federal requirements.** The Federal interest is not dependent on the extent of the LOTS insurance coverage or on the insurance adjustment received. Therefore, LOTS that maintain only minimum levels of insurance coverage will likely be responsible for the out-of-pocket costs to pay for any remaining Federal interest in the event of the “total loss” of the

vehicle/equipment. LOTS that are private entities and private sector operators under contract to public sector LOTS may be subject to additional insurance requirements, as described below.

Minimum Insurance Requirements for LOTS that are Private Entities and Subject to the Maryland Public Service Commission Requirements

The LOTS that are private entities and subject to PSC Operating Authority requirements (see Chapter 9) must meet minimum PSC-required insurance levels, currently:

- For seating capacity of 7 passengers or less:
 - \$50,000 for injury to any one person, \$100,000 for injuries to two or more individuals, and \$20,000 for property damage; or
 - \$120,000 combined single limit.
- For seating capacity of 8 to 15 passengers:
 - \$75,000 for injury to any one person, \$200,000 for injuries to two or more individuals, and \$50,000 for property damage; or
 - \$250,000 combined single limit.
- For seating capacity of 16 or more passengers:
 - \$75,000 for injury to any one person, \$400,000 for injuries to two or more individuals, and \$100,000 for property damage; or
 - \$500,000 combined single limit.

Minimum Insurance Requirements for LOTS that are Private Entities and that Cross State Lines

LOTS that are private entities are required to maintain liability insurance at least at the highest level required for any of the States in which the transit service area is located. Contact information for the State agencies that regulate public motor carriers in the States surrounding Maryland is provided in Appendix I. Private operators must identify a retained legal entity or “process agent” in each State where operations are to be authorized (a location where legal papers can be served in the event that the transit agency faces legal action). The U.S. DOT provides a list of some of the companies providing this service at <https://www.fmcsa.dot.gov/registration/process-agents>.

LOTS that cross State lines with vehicles seating nine or more passengers including the driver must meet the following minimum insurance levels as required under FMCSA:

- Interstate operators of vehicles with a seating capacity of nine-15 passengers (including the driver) must carry a minimum of \$1.5 million coverage.

- Interstate operators of vehicles with a seating capacity of 16 passengers (including the driver) or more must carry a minimum level of \$5 million coverage.

While recipients of Sections 5307, 5310, and 5311 funds are exempted from the \$1.5 million and \$5 million insurance coverage, under 42 U.S.C. § 31138(e), **you still must obtain insurance in the highest amount required in the States in which the vehicles travel, and it is recommended that you carry documentation of your FTA funding and this exemption granted by FMCSA on board all vehicles engaged in interstate travel**, since State police in other States may be unfamiliar with this exemption.

Medical Assistance transportation providers may also need special coverage for long-distance trips. Check with your insurance carrier to determine your geographic coverage ranges.

Volunteers

Individuals who volunteer their time to a transit agency should be covered under an insurance policy. Insurance for volunteers becomes important if a volunteer is not covered by worker's compensation or if she/he injures another individual and is not covered by a personal automobile or liability policy.

Risk Retention Pool

Risk retention pools are based upon the cooperative effort of multiple transit agencies. Essentially, transit agencies form a group where each participant contributes to a fund that pays for the losses of any of the partners. During the early years of formation, participants contribute to both a general fund and a capital fund. When the capital fund is valued at a level that can cover the anticipated losses, then the premium is reduced and the losses can be paid from both yearly premiums and the capital fund. As with liability coverage, losses are paid up to a certain specified amount and excess insurance is purchased to cover the losses that exceed that level. If losses are particularly high for one year, members may be assessed an additional fee to cover those expenses. Participants in a risk retention pool must be willing to make a minimum time commitment, usually five years, and must also be responsible for the administrative/management functions.

Program Monitoring and Review

In order to maintain an effective risk management policy, it is important that your transit agency establish a monitoring and review program. Agencies should keep summaries of accident losses, the financial impact, and the projected financial impact. For example, a monthly loss review can track the total number of accidents and losses that occur during the month as well as summarize the damages and costs. An important reference tool that should be included in the monitor and review process is an insurance summary. Easy accessibility to a file which lists your policy carrier, policy number, areas of coverage, policy limits, deductibles or SIRs, policy effective dates, premium amounts and payment terms and insurance agents can be invaluable in the midst of a risk management crisis.

ADDITIONAL RESOURCES

FTA

- Notice of Proposed Rulemaking for 49 CFR Part 673, Public Transportation Agency Safety Plan - <https://www.transit.dot.gov/regulations-guidance/rulemaking/2016-02017> (Docket ID: FTA-2015-0021 - <https://www.regulations.gov/docket?D=FTA-2015-0021>)
- National Public Transportation Safety Plan, January 2017 - <https://www.transit.dot.gov/regulations-and-guidance/safety/national-public-transportation-safety-plan>
- FTA rulemaking web page - <https://www.transit.dot.gov/regulations-guidance/rulemaking>
- FTA Safety and Oversight website - <https://safety.fta.dot.gov/>

Safety, Security and Emergency Preparedness Resources

- National Transit Institute (NTI):
 - Safety and security courses - <http://www.ntionline.com/courses/>
 - Safety and security educational resources - <http://www.ntionline.com/educational-resources/>
- Center for Urban Transportation Research (CUTR) at the University of South Florida (CUTR) transit security library, includes best practices -- <http://www3.cutr.usf.edu/security/>
- *Paratransit Emergency Preparedness and Operations Handbook*, TCRP Report 160 (2013) - <http://www.trb.org/Main/Blurbs/168321.aspx>
- *Communication with Vulnerable Populations: A Transportation and Emergency Management Toolkit*, TCRP Report 150 (2011) - <http://www.trb.org/Publications/Blurbs/166060.aspx>
- National RTAP – Technical briefs, webinars, and other resources available through the resource library – <http://nationalrtap.org>
- National RTAP Training Module: *Emergency Procedures for Rural Transit Drivers* (1990):
 - Instructors Guide – <http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=553>
 - Learners Module – <http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=552>

- *Your Ticket to Safety - Bloodborne Pathogen Awareness*, Iowa DOT
 - Video (1993) - <https://vimeo.com/26325921>
 - Handbook (2001) - http://www.iowadot.gov/transit/training/bb_pathogens.pdf
- Development and Implementation of a Security and Emergency Preparedness Plan (APTA Security Risk Mgt. Recommended Practice RP-001-09 Rev 1) - www.apta.com/resources/standards/Documents/APTA-SS-SRM-RP-001-09.pdf
- Bus Stop Design and Placement Security Considerations (APTA Security Recommended Practice RP-008-10) - www.apta.com/resources/standards/Documents/APTA-SS-SIS-RP-008-10.pdf
- Security & Emergency Management Aspects of Special Event Service (APTA Emergency Management Standard SEM-S-003-08 Rev 1) - www.apta.com/resources/standards/Documents/APTA-SS-SEM-S-003-08.pdf
- Continuity of Operations Plan (APTA Emergency Management Standard SEM-S-001-08 Rev 1) - www.apta.com/resources/standards/Documents/APTA-SS-SEM-S-001-08.pdf
- Transit Incident Drills and Exercises (APTA Emergency Management Standard SEM-S-004-09 Rev 1) - www.apta.com/resources/standards/Documents/APTA-SS-SEM-S-004-09.pdf
- Additional APTA Standards related to security and emergency management can be found at - <http://www.apta.com/resources/standards/security/Pages/default.aspx>

Defensive Driving and Train-the-Trainer Courses

- Transportation Safety Institute (TSI) *Instructor's Course for Transit Trainers* - https://tsi-dot.csod.com/LMS/catalog/Welcome.aspx?tab_page_id=-67&tab_id=20000325
- National RTAP Training Module: *Safety Training and Rural Transit (START)* (2015):
 - Instructors Guide – <http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=171>
 - Learners Module – <http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=184>There is also an interactive online version of this course.
- National Safety Council Defensive Driving courses - <http://www.nsc.org/>

Shop Safety and Environmental Hazards

- National RTAP Training Module: *Top Shops: Emergency Management in Vehicle Maintenance Facilities* (2015):
 - Instructors Guide – <http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=1218>
 - Learners Module – <http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=1217>
 - Emergency Management Resources – <http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=1219>
 - Managers' Emergency Management Resources – <http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=1220>There is also an interactive online version of this course.
- Occupational Safety and Health Administration (OSHA) – <http://www.osha.gov/>
- Maryland Occupational Safety and Health (MOSH) - <http://www.dllr.state.md.us/labor/mosh/>
- OSHA standards for Hazard Communication - <http://www.osha.gov/dsg/hazcom/standards.html>
- Emergency Planning and Community Right-to-Know Act - <https://www.epa.gov/epcra>
- Resource Conservation and Recovery Act- <https://www.epa.gov/rcra>

FMCSA

Federal Motor Carrier Safety Administration (FMCSA) -- www.fmcsa.dot.gov
Also see lists of FMCSA links at the end of Chapters 8 and 9.

Risk Management

- National RTAP Technical Brief: “Risk Management for Rural Transit Systems” (updated 2009) - <http://demopro.nationalrtap.org/emailResource.aspx?fileid=48>
- National RTAP Training Module: *Risk Management for Rural Transit Managers* (1993):
 - Training Guide – <http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=193>
 - Resource Handbook – <http://demopro.nationalrtap.org/emailResource.aspx?design=1&fileid=194>
- *A Manual on Risk Management for the Public Transit Industry*, APTA (1996) - <http://ntl.bts.gov/lib/12000/12700/12757/12757.pdf>

CHAPTER 11: SUMMARY CHECKLIST

- ❑ Develop and implement a safety and security program that complies with FTA and MTA requirements.
- ❑ Hire employees who will provide safe services.
- ❑ Conduct Federally-required drug and alcohol testing of employees and volunteers who perform safety-sensitive job functions.
- ❑ Develop a safety handbook and distribute to all employees.
- ❑ Ensure that all employees are performing their jobs and handling accidents, incidents, and emergency situations as safely as possible. Provide training for new hires as well as periodic refresher training.
- ❑ Ensure a safe workplace by complying with OSHA standards. If you are unsure of how well your workplace complies, consider requesting an OSHA consultation.
- ❑ If you maintain your vehicles, establish safe maintenance shop policies and practices.
- ❑ Be prepared for emergencies by developing an emergency plan, training all staff in proper response techniques, ensuring that all emergency exits are clearly signed and free from obstructions, and establishing procedures for public and customer information.
- ❑ Ensure that emergency plans do not discriminate against populations protected under Title VI or the ADA.
- ❑ Establish accident/incident procedures. Report any fatalities and other reportable accidents/incidents to the MTA immediately.
- ❑ Develop an employee incentive program to promote safe driving.
- ❑ Require CDL holders to report violations.
- ❑ Establish and inform customers of passenger safety policies.
- ❑ Avoid overloading vehicles. Determine maximum standee capacity for each type of vehicle in your fleet.
- ❑ Locate and design bus stops to minimize risks for vehicles and pedestrians.
- ❑ Establish fare collection and cash handling procedures that minimize security risks.
- ❑ Ensure that administrative, operating, and vehicle storage areas have an appropriate level of security and surveillance given conditions in your community.
- ❑ Locate bus stops with security issues in mind. Whenever feasible, choose areas which are well-lit (or consider installing lighting) and near activity centers.

- ❑ Section 5307 recipients must spend one percent of these funds annually for transit security projects or certify that this is not necessary.
- ❑ Establish a comprehensive risk management plan for your agency. Decide how much risk is worth retaining and how much financial responsibility you can transfer.
- ❑ Meet MTA minimum insurance requirements.
- ❑ If you are a private entity, insure your agency to a level that meets or exceeds PSC requirements.
- ❑ If you are a private operator and operate out-of-state, ensure that your agency is insured adequately to meet the minimum requirements of the other State(s).
- ❑ Establish a loss monitoring and review program.
- ❑ If volunteers are used, insure them.

12

ADA COMPLIANCE

The Americans with Disabilities Act (ADA) is a Federal civil rights law that protects individuals with disabilities from discrimination. This chapter summarizes the public transportation requirements that are relevant for Maryland's LOTS. These requirements apply to public entities as well as to private entities considered to be "standing in the shoes" of public entities (including private operators of LOTS-funded service). The requirements are organized as follows:

- ***Introduction***
- ***Documentation***
- ***Vehicles***
- ***General Service Requirements***
- ***Fixed-Route Service Requirements***
- ***Complementary Paratransit Requirements***
- ***Other Demand-Response Transportation***
- ***Employment Practices***
- ***Facilities Accessibility***

Note that accessibility in Emergency Preparedness practices is addressed in Chapter 13 of this manual.

INTRODUCTION

The ADA prohibits discrimination against individuals with disabilities in the areas of employment, public services including transportation, public accommodations including services operated by private entities, and telecommunications. This Federal law sets forth specific requirements for public transportation services, vehicle and facility accessibility and the provision of complementary paratransit service. The regulations were codified by the U.S. DOT in:

- 49 CFR Part 37--Transportation Services for Individuals with Disabilities -- http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr37_main_02.tpl
- 49 CFR Part 38--Accessibility Specifications for Transportation Vehicles -- http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr38_main_02.tpl

Recipients of Federal funding are also subject to the requirements of Section 504, codified in 49 CFR Part 27--Nondiscrimination on the Basis of Disability in Programs

and Activities Receiving or Benefitting from Federal Financial Assistance -- http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr27_main_02.tpl

In October 2015, FTA published circular 4710.1, “Americans with Disabilities Act (ADA): Guidance,” which provides FTA grantees and subrecipients with comprehensive guidance on all 49 CFR Parts 27, 37, and 38 (as well as Part 39, which covers passenger vessels such as ferries). <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/americans-disabilities-act-guidance-pdf>

Links to each of the above regulations and FTA guidance can be found on the FTA website at <https://www.transit.dot.gov/ada>.

The U.S. Architectural and Transportation Barriers Compliance Board (commonly known as the Access Board), develops and maintains the accessibility design criteria on which the U.S. DOT regulations are based, including:

- The ADA Accessibility Guidelines (ADAAG) for Vehicles -- <https://www.access-board.gov/guidelines-and-standards/transportation/vehicles/about-adaag-for-transportation-vehicles> (codified by the U.S. DOT as 49 CFR Part 38)
- The ADA and Architectural Barrier Acts (ABA) Accessibility Guidelines (ADA-ABA Guidelines) for Buildings and Facilities -- <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites>. Guidelines specific to transit facilities are found here: <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/ada-standards/chapter-8-special-rooms,-spaces,-and-elements#810 Transportation Facilities>.
- Proposed Guidelines for Public Rights-of-Way are still under development by the Access Board. The 2011 Draft Guidelines are recommended for the pedestrian environment around bus stops. <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way>

The fundamental requirements of these regulations that apply to the LOTS are summarized in this chapter.

DOCUMENTATION OF COMPLIANCE: WRITTEN POLICIES, PROCEDURES, AND RECORDKEEPING REQUIREMENTS

Written Policies and Procedures

Federal ADA/Section 504 policies must be included in your organization’s written policies, and staff must be informed and trained to ensure the policies are followed. The following templates of ADA policies tailored to the different kinds of LOTS services are attached at the end of this document:

- Attachment 12.A.1 is for the LOTS that operate fixed-route services and paratransit services, as well as the Section 5311(f) ICB subrecipients (LOTS that operate intercity bus service)
- Attachment 12.A.2 is for the LOTS that operate route-deviation service
- Attachment 12.A.3 is for the LOTS that operate demand-response service that is open to the public

Note that when MTA conducts compliance reviews of its subrecipients, the reviewer looks at the organization's written ADA policies for documentation of compliance with Federal and State requirements, as well as documentation that verifies the LOTS is following its established written ADA policies.

Compliance Documentation Requirements

The LOTS are obligated to document their compliance with the ADA through written policies and procedures, tracking methods and recordkeeping related to specific areas of the regulations, public outreach activities, and other documentation.

There are two checklists of required documentation materials and recordkeeping activities attached to the end of this chapter:

- **Attachment 12.B: ADA Service Provision Compliance Documentation Requirements** - These requirements apply to ALL fixed-route and demand-response services (unless otherwise noted). The requirements listed in this checklist are described throughout this chapter, within the sections named "Vehicles," "General Service Requirements," "Fixed-Route Service Requirements," and "Other Demand-Response Transportation."
- **Attachment 12.C: ADA Complementary Paratransit Scheduling Practices and Capacity Constraints Compliance Documentation Requirements** - These requirements apply ONLY to ADA complementary paratransit service (which is defined later in this chapter). The requirements listed in this checklist are described within the section named "Complementary Paratransit Requirements," specifically under "Service Requirements."

The LOTS are required to maintain this documentation in their grant files and to compile and make this documentation available to MTA or FTA upon request for quarterly site visits, compliance reviews, ADA paratransit reviews, and investigation of any ADA-related complaints.

VEHICLES

Minimum vehicle accessibility specifications for LOTS vehicles are defined in 49 CFR Part 38, Accessibility Specifications for Transportation Vehicles, based on the ADAAG, as noted above. Accessibility features for buses and vans are briefly summarized below; for complete requirements and details, consult the regulations and FTA Circular

4710.1. MTA can assist LOTS in developing vehicle specifications that meet ADA accessibility requirements.

Summary of Accessibility Features in Buses and Vans

This summary addresses the physical features to be installed in vehicles. Following the summary of accessibility features, ADA requirements on how to use accessible vehicles in specific types of service are described, as well as ADA requirements to keep lifts in working order.

- **Accommodation of Wheelchairs** – A transportation provider must carry the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant. The U.S. DOT defines a wheelchair as “a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.”
- **Accessible Entry** – A lift or ramp is needed to enable someone who cannot climb stairs in getting from the sidewalk to the interior of the vehicle. For lifts, the platform dimensions and load must accommodate an individual seated in a wheelchair. Based on the current Federal guidelines and standards, the lift or ramp must be able to accommodate at least 600 pounds and wheelchairs that are 30 inches in width and 48 inches in length measured two inches above the ground. For ramps, the dimensions must meet maximum slope and minimum load specifications. Both lifts and ramps have requirements for surface materials, handrails, and raised edges for safety as well as threshold clearances.
- **Doors, Steps, and Thresholds** – Doors, steps, and thresholds also have requirements for slip resistance, color contrast, and door height.
- **Space for Maneuvering** – There must be adequate clearances at the boarding location and through the aisle for an individual using a wheelchair to get to the securement locations. This includes positioning the farebox so that it does not obstruct traffic in the vestibule.
- **Securement Areas** – There must be at least one securement area for vehicles less than 22 feet in length and at least two securement areas in larger vehicles. Securement locations must meet minimum dimensions, and in vehicles 22 feet or greater, at least one must be forward-facing. Securement areas may have fold-down seats to accommodate other passengers when a wheelchair or mobility aid is not occupying the area.
- **Securement Device** – The regulations specify minimum design load based on the gross vehicle weight rating of the vehicle, and the securement device must limit movement of the mobility aid to two inches or less under normal operating conditions.
- **Seat Belt and Shoulder Harness** – In addition to the securement system for the wheelchair, each securement must have a seatbelt and shoulder harness to secure to an individual. The seatbelt is to be used in addition to, never in lieu of, the securement device.

- **Priority Seating** – Vehicles must contain signage indicating that seats in the front of the vehicle, including at least one set of forward-facing seats, are priority seats for individuals with disabilities, and that other passengers should make such seats available to those who wish to use them. Such signage must be posted at the securement location. This signage must meet character accessibility standards as designated in 49 CFR Part 38.
- **Interior Circulation, Handrails, and Stanchions** – The regulations indicate design standards for interior clearances as well as support rails and poles.
- **Lighting** – Lighting standards are indicated for stairways and doorways.

In addition, FTA/MTA requires that LOTS include the following additional equipment on their vehicle procurements:

- **Public Address (PA) System** – All vehicles longer than 22 feet to be used in fixed-route or route-deviation service must have an onboard public address system for stop announcements (required for fixed-route services, as explained on page 12-13) and provide other passenger information within the vehicle. (Required for multiple-stop, fixed-route service).
- **Automated Announcement Systems** – Large fixed-route buses operated by providers of public transportation that operate 100 or more buses in annual maximum service for all fixed-route bus modes must have automated announcement systems with both audible and visible components.
- **Stop Request System** – All vehicles longer than 22 feet to be used in multiple stop fixed-route services must provide controls adjacent to the securement area for requesting stops and alerting the driver that a mobility aid user wishes to disembark. Auditory and visual indications that the request has been made are also recommended.
- **Destination and Route Signs** – All vehicles procured which display exterior route and designation information (e.g. all vehicles to be used in fixed-route, or route-deviation service) must meet accessibility requirements for lighting and character dimensions as detailed in the ADA regulations and must have illuminated signs on the front and boarding side of the vehicle.

Vehicles for Use in Fixed-Route and Route-Deviation Service

All new vehicles procured for fixed-route operations must meet ADA accessibility requirements. Procurement of used or leased vehicles operated in fixed-route service should also meet these accessibility requirements. This rule must also be followed for vehicles procured for route-deviation service that includes fixed stops and timepoints at which the vehicle can be boarded without advanced request. Should any LOTS seek to procure non-accessible used or leased vehicles, extensive good faith efforts must be made by the LOTS to demonstrate that the non-ADA-compliant used or leased vehicle procurement is warranted. MTA approval must also be obtained before non-ADA-compliant used or leased vehicles can be purchased or placed in service.

New routes may not be introduced into the system unless they are operated using accessible vehicles.

Vehicles for Use in Demand-Response Service

All new vehicles procured by LOTS for their demand-response services, using any Federal or State ADA or SSTAP funding, must be ADA accessible. LOTS may use non-ADA accessible vehicles in their demand-response service fleet; however, each LOTS must certify annually in their ATP, that their system, when viewed in its entirety, provides a level of service to customers with disabilities equivalent to the level of service available to customers without disabilities. This certification must be reviewed and approved by the MTA before you will be allowed to purchase a non-lift-equipped vehicle with FTA/MTA grant funds

Maintenance of Accessibility Features in Good Working Order

Accessibility equipment on your vehicles must be maintained in good working order. This includes vehicle lift and/or ramps and any other accessibility equipment such as tie-down and securement area systems, annunciator and /or PA systems, etc. Each LOTS must perform and document their preventive maintenance (PM) according to the equipment manufacturer's specifications, training drivers in proper use, cycling lifts as part of every pre-trip inspection, removing vehicles from service when accessibility equipment is not working properly, and performing repairs on a timely basis. If there is no spare vehicle to replace a vehicle with an inoperable lift, that vehicle may be kept in service with the inoperable lift for a maximum of:

- Three days in areas with populations above 50,000 individuals, and
- Five days in areas with populations of 50,000 or less.

GENERAL SERVICE REQUIREMENTS

Following are some requirements of ADA that apply to your service regardless of whether you are providing fixed-route, route-deviation, or demand-response service.

Written Policies

As discussed earlier in this chapter, ADA policies need to be included in your organization's written policies, and staff need to be informed and trained to ensure the policies are followed. Sample policies are provided in Attachments 12.A.1 through 12.A.3 and required ADA policies are discussed below.

Use of Lift

Drivers must deploy the lift to allow customers using wheelchairs to board, as well as upon request by other customers who cannot board using the stairs (such as customers who use walkers and other mobility aids) due to their disability. This includes permitting standees on the lift. A transportation provider cannot require that an individual back his or her wheelchair onto the lift if the individual prefers to board it facing forward.

Accommodating Wheelchairs and Other Mobility Devices

If your vehicle lift/ramp and securement areas can accommodate a mobility device, you are generally obligated to transport the device (and its user).

Non-Traditional Mobility Device Accommodation

When the U.S. DOT ADA accessibility guidelines for vehicles (49 CFR Part 38) were first issued, they required that vehicles be designed to accommodate, at a minimum, what were previously referred to as “common wheelchairs” (defined earlier in this chapter under “Summary of Accessibility Features in Buses and Vans” in footnote 2).

The design of wheelchairs and other mobility devices has evolved over time and there are many more variations in use than there were in 1990. Today, individuals with disabilities use a wide variety of non-traditional mobility devices, including scooters, wheelchairs with as many as six wheels, larger and heavier wheelchairs, and wheeled walkers. Transportation providers are obligated to accommodate them if they fit on the vehicle and do not obstruct the aisle or pose a “direct threat”¹ to the safety of others on the vehicle.

Amendments to the ADA (49 CFR, Parts 37 and 38), issued in 2011,² now define a wheelchair as “a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.” This definition recognizes the evolution of mobility devices that may exceed the dimensions of what was previously referred to in the regulations as a “common wheelchair.” These amendments further eliminate the operational role of the “common wheelchair,” and require transportation providers to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the wheelchair on the vehicle.

The amendments note that many vehicle lifts and ramps are manufactured to accommodate mobility devices that are heavier and/or larger than what was originally defined as a “common wheelchair.”³

¹ Defined in 49 CFR Part 37 as “a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services.”

² U.S. DOT Transportation for Individuals with Disabilities at Intercity, Commuter, and High Speed Passenger Railroad Station Platforms; Miscellaneous Amendments -- <http://www.gpo.gov/fdsys/pkg/FR-2011-09-19/pdf/2011-23576.pdf>, § 37.165 Lift and Securement Use.

³ According to the amendments, the DOT continues to believe that the standards, based on Access Board guidelines, for the design and construction of transportation vehicles are appropriate. However, for operational purposes, the ADA amendments, effective October 19, 2011, require transportation providers to accommodate larger or heavier wheelchairs and mobility devices than the minimum “common wheelchair,” where vehicle equipment is designed to accommodate larger or heavier wheelchairs and mobility devices. The Access Board recently updated the design guidelines for buses and vans (36 CFR Part 1192) which now simply reference the FMVSS specification for public use lifts (49 CFR 571.403 and 571.404). The FMVSS requires lifts to accommodate a minimum of 600 pounds and have minimum dimensions of 30 by 48 inches.

U.S. DOT has also issued disability law guidance concerning use of Segways (two-wheeled devices) on transportation vehicles. This guidance is posted on the FTA website as <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/use-segways-transportation-vehicles>. While not considered wheelchairs, U.S. DOT indicates that in some cases Segways need to be accommodated.

For guidance on specific situations and mobility devices, LOTS are encouraged to contact the FTA Office of Civil Rights at 1-888-446-4511 (toll-free). Technical assistance on accommodating mobility devices is also available through the National Aging and Disability Transportation Center (<http://www.nadtc.org/> - toll-free: 1-866-983-3222).

Wheelchair Securement

Transportation providers may require that wheelchairs be secured on board the vehicle; however, customers may not be denied service for the reason that their wheelchair or scooter cannot be secured.

On the other hand, if the transportation provider has a policy that wheelchairs be secured, and a customer *refuses* to permit his or her chair be secured, the transportation provider *may* deny service under this circumstance.

In the event a customer is *willing* to have his or her wheelchair secured, but the wheelchair *cannot* be secured (but can fit within the securement location), it is recommended that the driver explain to the customer that the wheelchair is not able to be secured and allow the customer to make the choice as to whether or not to ride.

Further, it is recommended that LOTS offer to work with the customer to identify and mark possible securement points and/or provide tether straps to attach to the wheelchair frame that can then be secured using the vehicle's securement system. See the list of Additional Resources at the end of this chapter for links to examples.

For ADA compliance and complaint tracking purposes, LOTS are required to document any instances when a customer refuses to permit his or her wheelchair to be secured, as well as when securement of a customer's wheelchair is not possible, and whether or not the passenger trip was provided. Documentation of any efforts to work with the customer to find a securement solution could also be helpful in the event of an accident in which the customer's unsecured wheelchair results in an injury.

Seatbelts

Customers using wheelchairs cannot be required to wear seatbelts unless other customers are subject to the same requirement. Under no circumstances should a vehicle-installed seatbelt be secured on a customer in a wheelchair or scooter

that has not been properly secured to the vehicle, due to the risk of injury to the passenger.

Use of Accessibility Equipment and Passenger Assistance

Transportation providers are required to make use of accessibility-related equipment on vehicles, including deployment of the lift or ramp and use of the securement system (under 49 CFR Part 37, § 37.167(e)). Also, personnel must be trained to proficiency to operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention given to the difference among individuals with disabilities (§ 37.173). This training must be documented.

Further, drivers of ADA Complementary Paratransit (described later in this chapter), which is “origin-to-destination” service, may at times need to offer assistance that goes beyond the curb (i.e., door-to-door). However, the regulations do not require drivers to take actions that would be clearly unsafe, fundamentally alter the nature of the service, or create undue burdens.⁴

Service Animals

Service animals must be permitted to accompany individuals with disabilities on vehicles.

The U.S. DOT ADA regulations define service animals as “any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”

Service animals are usually dogs, although other types of animals are sometimes trained to assist individuals with disabilities. A transit provider may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but cannot require special ID cards or harnesses for the animal or ask about the individual’s disability.

FTA has stated that individuals are responsible for maintaining control over their animals and caring for them at all times, and that a transportation provider does not have to transport an animal that is not under control or poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other passengers may be denied service. However, you may not make assumptions about how a particular animal is likely to behave based on past experience with other animals. Each situation must be considered individually.

⁴ U.S. DOT Disability Law Guidance, “Origin-to-Destination Service,” issued September 1, 2005, <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/origin-destination-service>.

A good resource on accommodating service animals is ESPA's "Frequently Asked Questions about Service Animals," downloadable at <http://www.nadtc.org/wp-content/uploads/NADTC-Frequently-Asked-Questions-about-Service-Animals.pdf>.

Portable Oxygen

Individuals with disabilities must be permitted to travel with a respirator, concentrator, or portable oxygen supply.

Making Reasonable Accommodations

In addition to specific transportation requirements detailed in 49 CFR Part 37, the ADA has other, more general requirements in the U.S. Department of Justice (DOJ) ADA regulation for public entities under Title II, Subpart A, and for private entities that offer places of public accommodation (including social service agencies and health care providers, but excluding religious organizations) under Title III.

Effective July 13, 2015, the U.S. DOT issued a final rule for 49 CFR Parts 27 and 37 on reasonable modification of policies and practices, specifically requiring public entities providing designated public transportation services (including fixed-route, demand-response, and ADA complementary paratransit) to make reasonable modifications/accommodations to policies and practices to ensure program accessibility. Exceptions are allowed only under certain conditions, including when the modification/accommodation would cause a direct threat to the health or safety of others, would result in a fundamental alteration of the service, would not actually be necessary in order for the individual with a disability to access the entity's service, or (for recipients of Federal financial assistance) would result in an undue financial and administrative burden.

Both public and private entities are required to make reasonable modifications to policies, practices, and procedures when such modifications are necessary to avoid discrimination on the basis of disability, unless the entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. For example, a transportation service with a "no eating on the bus" policy must allow a modification of the policy in the case of an individual with diabetes who needs to eat on a particular schedule.

Complaint Procedures

All LOTS must have a procedure for responding to and tracking ADA-related complaints, including identification of a responsible party and written documentation of complaints and their resolution. Passengers should also be made aware of the complaint procedures for ADA-related complaints. A log of AA complaints must be submitted to the OLTS on a quarterly basis.

Public Information Requirements

Adequate information about transportation services must be made available to individuals with disabilities in formats that they are able to understand. All LOTS must make their public transportation service information available to individuals with disabilities in readily accessible formats that are easy to use and understand. This can be accomplished through any number of means including the agency's web site and service brochures. This includes the provision of audio and large print formats for individuals with vision impairments, or electronic formats that can be made accessible by screen reader technology. The availability of braille is not specifically required, although it may be recommended if requested by customers.

FIXED-ROUTE SERVICE REQUIREMENTS

The following requirements apply to fixed-route service, and should also be addressed for route-deviation service that includes fixed stops and timepoints at which the vehicle can be boarded without advanced request.

Distinguishing Between Fixed-Route and Route-Deviation Services

Fixed-route services operate along a prescribed path on a fixed schedule, serving pre-established stops. Some fixed-route services also make flag stops (stopping along the fixed route upon request).

Route-deviation service, also referred to as deviated fixed-route or flex-route, is a hybrid service which provides demand-response service along a route that operates on a general fixed schedule, serving a limited number of pre-established stops (timepoints), with flexibility to deviate off the regular route to pick up and discharge customers within a limited corridor.

Route-deviation can take many forms depending upon the characteristics of the local service, such as (but not limited to):

- How far off of the regular route it will deviate (for example, one-quarter of a mile or three-quarters of a mile),
- How far in advance a deviation must be requested,
- Additional fare for the deviation,
- Who is eligible to request a deviation (i.e., can anyone request or is it limited to only individuals with disabilities?), and
- Whether or not flag stops are permitted along the regular route.

FTA has determined that service which will deviate **for all members of the general public** (i.e., not limited to individuals with disabilities) does not have to be complemented by ADA paratransit services. However, LOTS which operate this type of service may be subject to additional scrutiny by FTA and MTA to ensure that their ADA obligations are being met, and must make route-deviation service information readily available to the general public and individuals with disabilities.

Routes which deviate only for individuals with disabilities - for which all other riders must board along the regular route - are regarded by FTA/MTA as fixed-route services, and are obligated to provide ADA paratransit services in addition to the fixed-route service.

Vehicle Accessibility

As previously stated, all new vehicles purchased with Federal and/or State funds for fixed-route services, deviated fixed-route services (including commuter services), and demand-response services must be accessible.

It is MTA's expectation that no public transit providers in Maryland are operating an inaccessible vehicle on their fixed-route or deviated fixed-route service.

If for some reason you find your organization operating an inaccessible vehicle on your fixed-route or deviated fixed-route service, contact your MTA Regional Planner immediately.

New routes may not be introduced into the system unless they are operated using accessible vehicles.

Bus Stop Accessibility

Each bus stop location should be chosen such that, to the maximum extent practicable, the area where lift or ramp is to be deployed is accessible. Further, any bus stop *improvements* (i.e., installation of a shelter, landing pad/sidewalk) must meet ADA standards for accessibility and comply with ADA requirements. ADA bus stop accessibility is summarized below. Bus stop location and design characteristics are covered in more detail in Chapter 7 (Facilities Development).

In order for a bus stop to be accessible to a customer in a wheelchair, it must have a firm, stable, level landing surface at least eight feet deep (measured from the curb perpendicular to the street) and five feet wide (measured along the curb parallel to the street). In addition, accessible pedestrian connections (including sidewalks and curb cuts) between the bus stop and nearby destinations are essential for full customer access.

LOTS which undertake any physical improvements to a stop location (such as the construction of a boarding area or sidewalk, or installation of a shelter) must ensure that the improved bus stop meets these minimum standards.

If a LOTS desires simply to post a bus stop sign to an existing pole, or place a pole in the ground on which to affix a bus stop sign (i.e., establish a new stop that does not involve construction of a sidewalk, shelter, landing pad, etc.), then the stop does not need to be made accessible.

However, it is cautioned that placing a bus stop pole in the ground could create an additional paratransit obligation if the lift or ramp cannot be deployed at that stop. For LOTS operating fixed-route service, this means that ADA paratransit must be provided to riders that desire to board/alight the bus at any stop where the lift cannot be

deployed. (The riders cannot simply be directed to the next accessible bus stop.) This may increase the demand for ADA paratransit service by customers with disabilities who would be able to use fixed-route service if the stop was accessible, which would result in increased paratransit operating costs.

It is strongly recommended that, to the extent possible given existing pedestrian infrastructure, an accessible location should be chosen for any newly established stops that do not involve construction. If after exhausting all efforts to identify an accessible stop location, an accessible location is not available for a new stop due to sidewalk deficiencies, a basic stop (i.e., simple placement of pole and sign) may be established. However, if any physical improvements are made to the stop (such as installation of a shelter or landing pad), the stop must then be made accessible.

Stop Identification Announcements

Announcements must be made to customers on board fixed and deviated routes to help orient individuals with visual impairments and other disabilities as to their location along the route. These announcements must be made at least at transfer points, other major intersections and destinations, and any stop upon request. Technology exists to provide this service automatically; if the cost of such technology is prohibitive, drivers need to make these announcements. Your agency should have a written policy and develop lists of stops which drivers are required to announce on board each route.

As noted on page 12-5, MTA requires that vehicles purchased for use in fixed and deviated routes be equipped with an on-board public address system to ensure that interior stop announcements are audible throughout the vehicle.

Route Identification at Shared Stops

At stops served by more than one route, individuals with visual impairments or other disabilities must be provided with a means to identify the proper vehicle to enter or be identified to the vehicle operator as an individual seeking a particular route. Technology exists to automatically provide exterior announcements; however, the cost of such technology can be prohibitive. For many small systems, the simplest method for meeting this requirement is for drivers to announce their route to passengers waiting at any shared stop. Your agency should have a written policy and develop lists of stops at which drivers are required to announce their route to waiting customers.

Another “low-tech” alternative in use in some communities is to provide customers with a set of cards or small signs that they can use to identify themselves to drivers. This method works well in some communities; in others, it has been controversial in that it requires individuals with disabilities to draw attention to themselves. Decisions on using this type of approach should be made with input from the local disability community.

Travel Training

Though not a requirement, travel training is recommended for all fixed-route systems. Educating customers to use your fixed-route service can substantially reduce your complementary paratransit requirements, which will now be described.

For more information on travel training, contact:

- Maryland TRIP/The Center for Mobility Equity - <http://www.mdtrip.org/learn-to-ride/travel-training/>
- Association of Travel Instruction – www.travelinstruction.org
- National Aging and Disability Resource Center – <http://www.nadtc.org/>
- Easterseals Project Action Consulting - <http://www.projectaction.com/>

COMPLEMENTARY PARATRANSIT REQUIREMENTS

LOTS systems that provide fixed-route services must also provide a paratransit service that complements the fixed-route service for individuals with disabilities who are unable to independently use the fixed-route service because their disability prevents it. The ADA regulations specifically define a narrow population of customers who are entitled to this service, as well as the minimum service characteristics that must be met for this service to be considered equivalent to the fixed-route service it is intended to complement.

Fixed-route services that are considered commuter services are exempt from ADA complementary paratransit requirements. Commuter routes are characterized by service predominantly in one direction during peak periods, limited stops, use of multi-ride tickets, and routes of extended length, usually between a central business district (or employment center) and outlying suburbs or other residential areas. Any LOTS planning to provide commuter bus routes utilizing Federal and State funding must receive MTA approval for this exemption.

Paratransit Planning Requirements

Changes to your fixed-route services may well result in changes to your complementary paratransit requirements. Each time you plan a fixed-route service change, be sure to revise the service characteristics described below to determine any corresponding changes that must be made to your complementary paratransit services. Plans for and changes to your complementary paratransit services and policies must be developed in consultation with individuals with disabilities.

Eligibility

The ADA defines a very narrow population of individuals with disabilities who are entitled to this service. This population includes individuals who are *functionally* unable to use your fixed-route service due to their disability combined with accessibility barriers that impede their access to a bus stop they could otherwise use. The ADA defines three categories of eligible individuals:

1. Individuals who are unable to board, ride, or disembark from a fully accessible vehicle as a result of their disability, including:

- Individuals with intellectual, cognitive, or visual disabilities who cannot navigate the system (although some customers may learn to navigate parts of the system),
 - Individuals with physical disabilities who cannot stand on a crowded bus when seats are not available, and
 - Individuals with significant psychiatric disabilities who cannot complete the tasks necessary to ride fixed-route service independently.
2. Individuals who could use the service if a wheelchair lift or ramp were available on the route they wished to ride and the bus stops at both ends of their trip were accessible. If your system is 100 percent accessible with lifts or ramps that meet ADA specifications, and the lifts and ramps are maintained in good working order, this category will only apply at bus stops at which the lift or ramp cannot be deployed.
 3. Individuals who have specific impairment-related conditions that prevent them from traveling to and from a bus stop. This category is related to environmental conditions including lack of curb cuts and other physical barriers, steep terrain, snow or ice, temperature extremes, and severe air pollution. These conditions must prevent the individual from using the service, and may not come into play around all bus stops.

Your agency's eligibility determination process should be rigorous enough to screen out individuals who are not entitled to this service under the ADA. The reason for this is two-fold:

- Your system is mandated by Federal law to provide this service *without capacity constraints* to those individuals who under Federal law are entitled to the service. If capacity is constrained (that is, trip requests are repeatedly denied) as a result of also providing the service to other individuals who are not Federally entitled to it, your system is essentially discriminating against those Federally-protected individuals and is at risk for a Civil Rights complaint or lawsuit.
- Limiting this service to individuals who meet the Federal guidelines will allow you to better control the demand, and thus the cost, for this service. Although the State of Maryland provides some funding for ADA paratransit services, this funding is constrained. However, your obligation to provide ADA complementary paratransit, and meet the demand, is not constrained.

If your community has a local policy for providing paratransit services for other individuals who do not meet the Federal complementary paratransit requirements (such as senior citizens, which some local governments may require), you may need to have different service policies for those served under local policy, to control costs and ensure capacity for ADA-entitled individuals.

Like other elements of this service, your certification program must be developed in consultation with individuals with disabilities.

ADA Eligibility Application Process Requirements

In addition to each LOTS defining their conditions of eligibility as described above, your agency must also incorporate the following conditions of enrollment into its eligibility process:

- The LOTS eligibility process and application form must be in writing, accessible to individuals with disabilities and provide for documentation of eligibility.
- Eligibility decisions must be made within 21 days of receipt of a complete application and for those applications not processed within 21 days of receipt, presumptive eligibility for service must be provided on the 22nd day which will last until such time as the written determination is issued.
- Individuals who are denied eligibility or who are given conditional or temporary eligibility must be given written notice with specific reasons for your agency's decision and must also be informed of their right to appeal the decision.
- The appeals process must adhere to ADA regulations and contain the following rights of appeal:
 - Applicants have 60 days to inform the LOTS of their intent to appeal,
 - The LOTS may require the applicant to submit a form indicating their intent to appeal;
 - The LOTS may not require lengthy narrative from the applicant justifying their appeal,
 - The applicant must have the opportunity to be heard; the LOTS must provide for separation of functions,
 - An appeal decision must be made within 30 days, and
 - Written notification of the decision, with reasons provided, must be made to the applicant.
- If an appeal decision takes longer than 30 days, transportation must be provided to the applicant until and unless the LOTS' decision to deny the appeal is issued.

More guidance on Federal requirements for ADA paratransit eligibility can be found in Chapter 9 of FTA circular 4710.1.

Guidelines for an effective ADA complementary paratransit certification program are provided in *Determining ADA Paratransit Eligibility: An Approach, Guidance and Training Materials*, prepared for Easter Seals Project ACTION by TranSystems, Inc. and Access Transportation Systems, Inc. (updated December 2014), available through the National Aging and Disability Transportation Center (<http://www.nadtc.org/resources-publications/determining-ada-paratransit-eligibility-an-approach-recommendations-and-training-materials/>).

Service Requirements

ADA regulations define equivalent service for complementary paratransit according to the following six service characteristics:

1. **Service Area:** The complementary paratransit must be provided within three-quarters of a mile on either side of the fixed-route. “Pockets” of land contained within the three-quarter mile corridors must also be covered. Depending on the size of the community and characteristics of the transit service, some transit agencies define their ADA paratransit service areas more broadly than the corridors along routes. However, you may want to consider if serving a broader than required service area might create capacity constraints on the minimum required service. Also, this “extra” service may not be eligible for State ADA funding.

It is also important to note that an eligible rider does not have to live inside the three-quarter mile corridor, as eligibility is not related to where the rider lives, but rather where the travel occurs.

2. **Response Time:** Customers cannot be required to call more than one day in advance of the day service is requested. Customers must be allowed to place their requests until the close of business on the day preceding service. This means that if your normal business hours are 8:00 a.m. to 4:00 p.m. on weekdays, then reservation services must be provided during that time frame, until 4:00 p.m. Next-day service does not mean 24 hours advance reservation. If your offices are closed on weekends, then you must ensure that reservation services are available on Sundays for Monday service. A method (such as an answering service) for accepting trip requests on Sunday for Monday service and on Saturday for Sunday service (if applicable to your agency) must be provided.

The original regulations also stipulated that trips must be accepted up to 14 days in advance. This requirement was changed, and transit agencies are allowed to determine their advance reservation period, in consultation with users, with a maximum of 14 days. If appropriate for your community, you may determine that your ADA paratransit services accept trips only on a next-day basis.

The response time regulations allow transit systems to “negotiate” trip times with eligible riders up to one hour before and one hour after the requested trip time, as long as the alternative times do not conflict with any time-sensitive needs of the rider. For example, if a rider requests a 9:00 a.m. trip, but your vehicles are full at that time, you can offer the rider a trip within one hour earlier or one hour later than 9:00 a.m. (i.e., as early as 8:00 a.m. or as late as 10:00 a.m.). But if a rider requests a 5:00 p.m. pick-up to return home at the end of her work day, you may not offer a pick-up at 4:00 p.m., because that would mean the rider would have to leave work before the end of her workday. However, it would be allowable to negotiate a time within one hour *after* 5:00 p.m..

3. **Fares:** Complementary paratransit fares can be no more than twice the regular (i.e., general public, not reduced fare) fixed-route fare for the equivalent trip on fixed-route service. A personal care attendant (PCA) accompanying the eligible individual cannot be charged a fare.
4. **Trip Purpose Restrictions:** No trip purpose restrictions may be imposed on the complementary paratransit service.
5. **Hours and Days of Service:** The complementary paratransit service must be available during all days and hours that your fixed-route service is available. If days and hours of service vary among your fixed-routes, the paratransit service area may also change according to these time variations in the same geographic areas as the fixed-route service.
6. **Capacity Constraints:** No capacity constraints may be placed on eligible individuals. This means that eligible customers cannot be denied service for eligible trip requests. Adequate capacity must be available so that eligible trip denials are uncommon.

Scheduling service on a “standing order” or subscription basis is allowed so long as it does not result in capacity constraints for eligible individuals. If capacity constraints do occur, subscription trips can only be allowed for up to 50 percent of the total paratransit service capacity.

A LOTS must be able to demonstrate that they do not engage in a pattern or practice of capacity constraints that limit service. Therefore, at a minimum, the LOTS should have a definition of ADA trip denials, missed trips, on-time performance and excessively long trips and should have a mechanism in place for monitoring, tracking and verifying such service characteristics. While there is no regulatory requirement that the LOTS maintain any particular record-keeping and/or monitoring system for measuring capacity constraints, the LOTS must be able to demonstrate that the trip denials, missed trips, late pickups and excessively long trips it does have do not show a pattern or practice that limits the availability of its ADA paratransit service.

Recommendations for recordkeeping and documentation related to scheduling practices and capacity constraints of ADA complementary paratransit are provided in Attachment 12.C.

Other Individuals Permitted to Accompany the ADA Eligible Individual

- **Personal Care Attendants (PCA):** A PCA is someone designated or employed to help an individual meet his or her personal needs. The type of assistance provided by a PCA is often unrelated to using transit, such as assisting with grocery shopping or assisting the customer with a medical condition at their destination.

A PCA must always be permitted to ride with an ADA paratransit-eligible individual. You can require, as part of the initial eligibility certification, that the individual indicate whether he or she travels with a PCA.

The PCA must not be charged a fare to ride ADA paratransit with the ADA-eligible individual.

- **Guest or Companion Riders:** The U.S. DOT ADA regulations consider companion (or guest) riders, such as friends or family members, separately from PCAs.

If an ADA paratransit eligible individual wishes to travel with a companion, that companion must be permitted to accompany the ADA paratransit eligible-individual (in addition to a PCA, if that individual needs a PCA). Also, additional companions accompanying the ADA paratransit rider must be provided service if space is available on the vehicle.

Fares for companions accompanying the ADA eligible rider can be no higher than the fare for the individual they are accompanying.

Requirement for a Visitors Policy

All LOTS that operate a complementary paratransit system must have a visitors' policy that meets the following requirements:

- Complementary paratransit service must be provided to visitors with a disability, and a visitor can become eligible to use the LOTS's system in one of two ways.
- The visitor can present documentation from his or her "home" jurisdiction's ADA complementary paratransit system that he or she is eligible. The local provider will give "full faith and credit" to the visitor's identification card or other documentation provided.
- The visitor can present, if the visitor's disability is not apparent, proof of their disability (e.g., a letter from their doctor or a rehabilitation professional) and, if required, by the local provider, proof of the visitor's status (i.e., proof of the visitor's residence elsewhere).
- Once the necessary documentation is provided, the LOTS must provide service. The LOTS cannot require functional testing of the visitor for the visitor to be able to use the LOTS's system.
- The LOTS is not required to provide more than 21 days of service within a 365-day period to the visitor. After the 21-day limit is reached, the LOTS can require that the visitor apply for eligibility to receive additional service.

- Granting visitor eligibility should be a quick and easy process. FTA envisions that it can take place the same day of request or no more than one day after the request.

No-Show and Late Cancellation/No-Show Policies

All LOTS that operate a complementary paratransit system may develop and implement a no-show or late cancellation/no-show policy. The following requirements apply:

- LOTS are not required to have a no-show or late cancellation/no-show policy. However, if they choose not to have such a policy, they may not penalize or suspend riders for failure to show for their rides or for late cancellations.
- LOTS no-show policies must be in writing and available to their patrons. Such policies need to be established in an administrative procedure allowing for the suspension, for a reasonable amount of time, of the provision of ADA complementary paratransit services to an eligible individual who establishes a “pattern or practice” of missing scheduled trips. The written policies must define what constitutes a “no-show” (and “late cancellation” if appropriate).
- LOTS definition of a “pattern or practice” must be narrowly tailored to include intentional, repeated, or regular actions on the patron’s part and not isolated, accidental, or singular incidents. The LOTS will need to develop standards to document this, taking into account the frequency of a patron’s rides and no-shows. Simple numeric thresholds are not allowed. Only no-shows that are within the patron’s control can be counted against the patron.
- LOTS can include late cancellations as part of their no-show policy but only to the extent that the late cancellation has the same effect on the LOTS as a no-show, and then, only for late cancellations under the patron’s control.
- LOTS may not impose a financial penalty on the patron, including charging a fare, as part of their no-show policy. The policy may only impose a reasonable suspension of service.
- LOTS must provide for written notification that the service is to be suspended, and a “rights of appeal” for any patron subject to a proposed suspension. Such rights of appeal should be consistent with the LOTS appeal process and policy, and must include providing the individual with an opportunity to be heard and to present information and arguments, as well as written notification of the decision and the reasons for it..

Origin-to-Destination Service

ADA paratransit service must be operated on an “origin-to-destination” basis, providing service from a passenger’s origin to the passenger’s destination. LOTS may have a policy of providing curb-to-curb or door-to-door service. If the policy is curb-to-curb, for

some individuals and locations it might be necessary to provide service to or from the door, as a reasonable modification of policy. The requirement does not, however, require transit providers “to take actions to accommodate individual passengers’ needs that would fundamentally alter the nature of the service or create undue burdens,” such as the provision of “personal services” or leaving the vehicle for an extended period of time. Nor are transit providers required to take actions that are clearly unsafe. For more information on the nuances of this requirement, see the 2005 U.S. DOT legal guidance on origin-to-destination service (<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/origin-destination-service>), the March 2015 final rule on Reasonable Modification of Policies and Practices under 49 CFR Parts 27 and 37 (<https://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05646.pdf>), and Chapter 2, section 2.10 of FTA circular 4710.1.

OTHER DEMAND-RESPONSE TRANSPORTATION

Other types of demand-response services, including rural general public and agency-contracted service, have the following accessibility requirements under the ADA.

Equivalent Level of Service and Vehicle Accessibility

LOTS demand-response systems, when viewed in their entirety, must provide an equivalent level of service for individuals with disabilities (including customers who use wheelchairs) as for individuals without disabilities.

As previously stated, vehicles procured for use in demand-response services must be accessible unless that agency already has an adequate number and percentage of accessible vehicles in their demand-response fleet to ensure this equivalency.

Equivalent service means that individuals with disabilities, including individuals who use wheelchairs, are provided the same level of service provided to other individuals with respect to the following service characteristics:

- Response time,
- Fares,
- Geographic area of service,
- Hours and days of service,
- Availability of information,
- Reservations capability,
- Any constraints on capacity or service availability, and
- Restrictions or priorities based on trip purpose.

User-side subsidy programs need to ensure their programs meet the equivalency standards, including reservations response time.

Coordination with ADA Paratransit

Agencies that are required to provide complementary paratransit services are encouraged to coordinate those services with other demand-response services including SSTAP. However, the Federally-mandated eligibility for complementary paratransit should be determined separately from the other demand-response services to ensure that the agency is able to meet the capacity requirements of the complementary paratransit.

EMPLOYMENT PRACTICES

Titles I and V of the ADA prohibit employment discrimination against qualified individuals with disabilities in the private sector, as well as in State and local governments. As a basic civil right, you must ensure that no individual has been discriminated against in employment based on his or her disability. Employers with 15 or more employees are required to make reasonable accommodation for qualified candidates with disabilities that you have hired. Refer to Chapters 8 and 13 for more information on how to ensure that your hiring and employment practices are non-discriminatory.

FACILITIES ACCESSIBILITY

Any new transportation facility constructed (since January 26, 1992) must be accessible according to the standards in 49 CFR Part 37, Subpart C. If you alter an existing facility, the altered portions also must be accessible (although an exception can be made if the cost of making the facility accessible is disproportionate).

Facilities accessibility standards can be found on the Access Board website at:
<https://www.access-board.gov/guidelines-and-standards/buildings-and-sites>.

Guidelines specific to transportation facilities are found at:
<https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/ada-standards/chapter-8-special-rooms,-spaces,-and-elements#810>
[Transportation Facilities](#)

Documentation and certification that facility improvements comply with ADA standards need to be obtained (e.g., from an architect and engineer) and kept on file.

Additional information is also provided in Chapter 7, as well as earlier in this chapter under “Fixed-Route Service Requirements,” “Bus Stop Accessibility.”

ADDITIONAL RESOURCES

General

FTA Circular 4710.1, “Americans with Disabilities Act (ADA): Guidance” – <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/americans-disabilities-act-guidance-pdf>

FTA Office of Civil Rights / ADA – <https://www.transit.dot.gov/ada>

FTA Office of Civil Rights / ADA, Frequently Asked Questions – <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/frequently-asked-questions>

FTA Office of Civil Rights / ADA, Training Materials – <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/ada-training>

U.S. Access Board -- <http://www.access-board.gov/>

National Aging and Disability Transportation Center - <http://www.nadtc.org/>

49 CFR Part 37--Transportation Services for Individuals with Disabilities -- http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr37_main_02.tpl

49 CFR Part 27--Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefitting from Federal Financial Assistance – http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr27_main_02.tpl

The Americans with Disabilities Act of 1990 -- <http://www.ada.gov/pubs/ada.htm>

Vehicles

49 CFR Part 38--Accessibility Specifications for Transportation Vehicles – http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr38_main_02.tpl

ADA Accessibility Guidelines (ADAAG) for Vehicles – <https://www.access-board.gov/guidelines-and-standards/transportation/vehicles/about-adaag-for-transportation-vehicles>

Updated ADA Accessibility Guidelines for Buses and Vans (2016) - <https://www.access-board.gov/guidelines-and-standards/transportation/vehicles/update-of-the-guidelines-for-transportation-vehicles/final-updated-guidelines-for-buses-and-vans>

Driver Training Programs

- Resources available through National RTAP (www.nationalrtap.org) include:

- *Securing Motorized Wheelchairs and Scooters (START Insert)*
 - *Serving Riders with Disabilities: ADA and Beyond*
- Resources are available through the National Aging and Disability Transportation Center (<http://www.nadtc.org/>) include:
 - *A.C.C.E.S.S. Matters driver training program*
 - *Transit Operator's Pocket Guide*
- CTAA's Passenger Assistance Sensitivity and Safety (PASS) Trainer and Driver Certification program –
<http://web1.ctaa.org/webmodules/webarticles/anmviewer.asp?a=35&z=116>

Wheelchair and Mobility Aid Accommodation

- FTA Questions and Answers Concerning Wheelchairs and Bus and Rail Service - <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/questions-and-answers-concerning-wheelchairs-and-bus-and>
- National RTAP's *Securing Motorized Wheelchairs and Scooters (START Insert)* - <http://demopro.nationalrtap.org/emailResource.aspx?fileid=1256>
- National RTAP's *Oversized Wheeled Mobility Devices Technical Brief* - <http://demopro.nationalrtap.org/emailResource.aspx?fileid=1205>
- Easter Seals Project ACTION's *Status Report on the Use of Wheelchairs and Other Mobility Devices on Public and Private Transportation* - <http://demopro.nationalrtap.org/emailResource.aspx?fileid=155>
- AC Transit (Oakland, CA) wheelchair marking and tether strap program brochure: <http://www.actransit.org/wp-content/uploads/securement.pdf>
- Capital Metro (Austin, TX) wheelchair marking and tether strap program brochure: https://www.capmetro.org/uploadedFiles/Capmetroorg/Riders_Guide/Accessible_Services/tether-strap-brochure.pdf

Fixed-Route Service

- Transit Cooperative Research Program (TCRP) Report 163: Strategy Guide to Enable and Promote the Use of Fixed-Route Transit by People with Disabilities – http://www.tcrponline.org/PDFDocuments/tcrp_rpt_163.pdf
- Resources available through the National Aging and Disability Transportation Center (<http://www.nadtc.org/>) include:
 - *Resource Guide to Effective Approaches for Increasing Stop Announcements and Route Identification*
 - *Toolkit for the Assessment of Bus Stop Accessibility and Safety*

- *Effective Snow Removal for Pathways and Transit Stops*
- Disability Rights Education & Defense Fund (DREDF) Topic Guides on ADA Transportation – Stop Announcements - <https://dredf.org/ADAtg/stop.shtml>

ADA Paratransit

- FTA Office of Civil Rights / ADA, Frequently Asked Questions – <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/frequently-asked-questions>
- U.S. DOT legal guidance on Origin-to-Destination Service (2005) – <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/origin-destination-service>
- Resources available through the National Aging and Disability Transportation Center (<http://www.nadtc.org/>) include:
 - *Determining ADA Paratransit Eligibility: An Approach, Guidance and Training Materials*
 - *Innovative Practices in Paratransit Service*
- DREDF's Topic Guides on ADA Transportation - <https://dredf.org/ADAtg/index.shtml>
- FTA's ADA Paratransit Eligibility Manual (1993) -- <http://ntl.bts.gov/DOCS/ada.html>
- FTA's ADA Paratransit Handbook: Implementing the Complementary Paratransit Service Requirements of the ADA of 1990 (1991) -- available through the Maryland RTAP library

Demand-Response Service

- *ADA Guide for Rural Demand-Response Transportation Service Providers* - <http://www.nadtc.org/resources-publications/ada-guide-for-rural-demand-response-transportation-service-providers/>

Facilities Accessibility

- U.S. Access Board's Guidelines and Standards for Transportation Facilities -- <http://www.access-board.gov/guidelines-and-standards/transportation/facilities/about-the-ada-standards-for-transportation-facilities>
- U.S. Access Board's Proposed Guidelines for Public Rights-of-Way (2011 Draft) – <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way>

CHAPTER 12: SUMMARY CHECKLIST

- ☐ Include accessibility policies in your organization's written policies and ensure staff implement these policies.
- ☐ Procure fixed-route and route-deviation vehicles (including those to be used in commuter bus service) that meet ADA accessibility standards.
- ☐ Procure State- or Federally-funded demand-response vehicles that meet ADA accessibility standards. Procure locally-funded demand-response vehicles that meet ADA accessibility standards unless your demand-response system provides an equivalent level of service to customers with disabilities as they do to customers without disabilities.
- ☐ Maintain lifts and other accessibility features in good working order.
- ☐ Permit lift usage by all individuals with disabilities upon request (including standees).
- ☐ Provide service to customers using wheelchairs or scooters even if the mobility device cannot be secured on your vehicle.
- ☐ Require seat belt usage of individuals with disabilities only if required of *all* riders.
- ☐ Upon request, assist passengers in using the lift or ramp and securing mobility devices.
- ☐ Train operations staff in passenger assistance techniques as well as sensitivity.
- ☐ Permit service animals accompanying individuals with disabilities on board your vehicles.
- ☐ Permit portable oxygen or respirators on board your vehicles.
- ☐ Provide information in accessible formats upon request.
- ☐ Have a procedure for passengers to file ADA-related complaints.
- ☐ New fixed-routes or deviated fixed-routes (including commuter routes) may not be added into your service without operating accessible vehicles to provide this service.
- ☐ Ensure that all bus stop construction or improvements meet ADA standards, providing a solid, level passenger boarding area at least eight feet back from the curb and five feet parallel to the curb.
- ☐ Choose an accessible location for a new or relocated bus stop that does not involve construction, to the extent possible given existing pedestrian infrastructure.
- ☐ Ensure that interior stop announcements are made along all fixed-routes at key stops and transfer points.

- ❑ Establish a route identification mechanism to ensure that passengers waiting at bus stops served by more than one route can identify which bus to board, or be identified to the bus driver as wishing to board.
- ❑ Optional: provide travel training for customers with disabilities to help them transition from paratransit service to fixed-route service.
- ❑ Public agencies that provide fixed-route service must provide complementary paratransit service that meets the ADA service criteria.
- ❑ Establish a functional disability eligibility screening process for ADA paratransit.
- ❑ Permit PCAs to accompany eligible individuals on ADA paratransit at no additional charge, and permit fare-paying companions (at least one and more on a space-available basis).
- ❑ Permit visitors presenting appropriate documentation to use the paratransit service for up to 21 days within a 365 day period.
- ❑ If you establish a no-show/late cancellation policy, this must be in writing and provide for due process with opportunity for appeal.
- ❑ If you operate route-deviation service, permit deviations by *all* riders or you must provide ADA paratransit.
- ❑ If you operate route-deviation service, you must include information on how to request deviations with route and schedule information.
- ❑ Other demand-response services, including SSTAP services, should be coordinated with ADA paratransit service when feasible, but should not result in capacity constraints for ADA-eligible individuals.
- ❑ Ensure that individuals with disabilities are not discriminated against in employment decisions, and make reasonable accommodations to enable qualified individuals with disabilities to work for your organization.
- ❑ Ensure that all newly constructed and renovated facilities meet ADA accessibility standards.

13

NON-DISCRIMINATION

Federal civil rights laws protect individuals from discrimination under Federal transit programs in a variety of ways. This chapter summarizes the non-discrimination requirements that are relevant for Maryland's LOTS. These requirements apply to public entities as well as to private entities considered to be "standing in the shoes" of public entities (including private non-profit LOTS operators). The requirements are organized as follows:

- Introduction to Civil Rights Requirements
- Title VI of the Civil Rights Act of 1964 [including providing meaningful access for individuals with Limited English Proficiency (LEP), as well as aspects of Environmental Justice]
- Equal Employment Opportunity (EEO) program
- Disadvantaged Business Enterprise (DBE) program
- Non-discrimination in Emergency Preparedness

Another civil rights law that is relevant for the LOTS is the Americans with Disabilities Act (ADA). The requirements under the ADA are addressed in Chapter 12.

Note that public outreach is a significant component of the Title VI regulations. More guidelines and recommendations on public notice and participation requirements are provided in Chapter 14.

INTRODUCTION TO CIVIL RIGHTS REQUIREMENTS FOR TRANSIT

LOTS must ensure that no individual, on the grounds of race, color, national origin, religion, sex, disability, or age, is excluded from participating in, denied the benefits of, or subjected to discrimination under any project, program, or activity funded in whole or in part through public transit programs.

Federal Civil Rights Laws and Regulations

The Federal enabling legislation for transit funding includes the requirement that recipients of those funds, including the MTA and the LOTS, not engage in discriminatory practices. The specific Federal requirements regarding non-discrimination include:

- **Title VI – Non-Discrimination in Service Delivery** – Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in

programs and activities receiving Federal financial assistance. Specifically, the Federal Transit Laws, 49 U.S.C. 5332(b), provide that "no person in the United States shall on the grounds of race, color, religion, national origin, sex, or age be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any project, program or activity funded in whole or in part through financial assistance under this Act." While Title VI provides the basis for all civil rights requirements, including EEO, ADA, and DBE, this term often is used to denote actions that are required of transit systems to ensure that they plan and operate services in a non-discriminatory manner.

The Title VI requirements include public notice requirements as well as requirements for ensuring meaningful access to services for LEP Individuals through both public information and participation, and environmental justice (which are primarily applicable to facilities development).

- **Equal Employment Opportunity (EEO)** – The Civil Rights Act of 1964 (Title VI and Title VII) and Federal Transit Laws also apply to employment. Grantees of Federal transit funding must ensure that no individual shall be subject to discrimination in employment under any project, program, or activity receiving Federal financial assistance from the Federal Transit Laws. Other Federal laws protecting workers from discrimination include the ADA of 1990, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title II of the Genetic Information Nondiscrimination Act of 2008, Section 504 of the Rehabilitation Act of 1973, and the Uniformed Services Employment and Reemployment Rights Act of 1994.
- **Disadvantaged Business Enterprise (DBE) – Non-Discrimination in Contracting Practices** – The U.S. DOT DBE program requirements (49 CFR Part 26) seek to ensure non-discrimination in the award and administration of U.S. DOT-assisted contracts in the U.S. DOT's highway, transit, and airport financial assistance programs, and to create a level playing field on which DBEs can compete fairly for U.S. DOT-assisted contracts.

Links to the relevant regulations and circulars have been provided for your reference at the end of this chapter.

The MDOT/MTA Role in Ensuring Non-Discrimination

The MDOT/MTA monitors non-discrimination of the LOTS implementation of required civil rights regulations and policies. The MTA Office of Equal Opportunity Compliance Programs is charged with fulfilling this requirement and oversees the LOTS efforts to comply with Title VI requirements of the Civil Rights Act of 1964 (including aspects of Environmental Justice) and EEO and DBE program requirements.

TITLE VI REQUIREMENTS - PERTAINING TO SERVICE PROVISION

Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d), requires that all Federal grantees, including the LOTS, must ensure that Federally-supported transit services and related benefits are distributed in an equitable manner.

Title VI is the overriding basis for all civil rights requirements. This chapter addresses the need for LOTS to ensure that they plan and operate services in a non-discriminatory manner. Planned changes in services, facilities, and policy must not result in discrimination against any segment of the community. Service and facilities planning must take into consideration the potential impact on minority populations. Minority communities and non-minority communities should be served with relative equity. Service cuts should not result in a relatively higher loss of service for minority communities, and service expansions should serve minority communities as well as non-minority communities.

It is important to note that Title VI applies to “individuals;” Title VI protections are not limited to citizens.

An entity is subject to Title VI if it receives any amount or form of Federal financial assistance. This includes primary grant recipients and subrecipients (the LOTS). Also, Title VI applies institution-wide, not just to the services or programs for which the Federal funding is received.

Basic Title VI Regulations

FTA circular 4702.1B, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients” (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>) provides detailed information on the Title VI requirements for FTA grantees and subgrantees. The LOTS should familiarize themselves with the information in this circular since it provides the guidance and instructions needed to carry out the Title VI regulations (49 CFR Part 21) and to integrate into their programs and activities considerations in the U.S. DOT’s Policy Guidance Concerning Recipients Responsibilities to Limited English Proficiency (LEP) Persons (70 FR 74087 based on Executive Order 13166).

Title VI seeks to:

- Ensure that the level and quality of transportation services provided by the LOTS is provided without regard to race, color, or national origin (other Federal laws and regulations also prohibit discrimination on the basis of religion, sex, age, or disability, while Title VI specifically addresses race, color, or national origin),
- Identify and address any disproportionately high or adverse human health and environmental effects of LOTS programs, including the social and economic effect of those programs and activities on minority and low-income populations,
- Promote the full and fair participation of all affected populations in transportation decision-making,

- Prevent the denial, reduction, or delay of benefits related to LOTS programs and activities that benefit minority or low-income populations, and
- Ensure meaningful access to programs and activities by individuals with limited English proficiency.

The MTA requirements mirror the Federal requirements.

All LOTS need to take some actions in order to ensure compliance with Title VI. All systems need a written Title VI policy and program. There are additional requirements for the LOTS operating fixed-route services. Title VI program requirements are even more extensive for LOTS operating at least 50 vehicles in peak fixed-route service in areas with populations of at least 200,000. All LOTS are required to submit a written Title VI program to the MTA (and the FTA) for review as well as provide periodic updates and additional reporting to the FTA (through the MTA) as part of their Title VI program. Table 13-1 summarizes what characteristics trigger the more extensive requirements.

Table 13-1: Summary of What Title VI Requirement Thresholds

System Size and Type	General Requirements	Requirements for Fixed-Route Providers			
		Set System-wide Services and Policies	Collect and Report Demographic Data	Monitor Transit Services	Conduct Service and Fare Equity Analyses
Rural/Small Urban (<200,000) <ul style="list-style-type: none"> • No Fixed-Route • Fixed-Route (at least some) 	yes yes	no yes	no no	no no	no no
Large Urban (200,000+) <ul style="list-style-type: none"> • No Fixed-Route • Fixed-Route / Number of Buses in Peak Service: <ul style="list-style-type: none"> ○ <50 ○ 50+ 	yes yes yes	no yes yes	no no yes	no no yes	no no yes

Title VI Requirements for All LOTS - General Requirements

All LOTS, regardless of size or type of operation, must have the following Title VI program elements in place:

- **Certifications and Assurances** – All LOTS must sign annual certifications and assurances as part of their annual ATP submission. By signing their annual certifications and assurances, the LOTS agree to comply with the provisions of Title VI. In addition to reporting complaints and lawsuits in the ATP, grantees must inform MTA *immediately* when lawsuit/complaints are received.

- **Title VI Policy** – All LOTS must develop and follow a written Title VI policy that includes:
 - **Investigation/Complaint/Lawsuits Procedures** – Providing a written process for receiving, recording, responding to, and resolving Title VI investigations, complaints, and lawsuits. This process should include notification of MTA *immediately* when any investigation, complaint, or lawsuit is initiated.
 - **LEP Plan** – Developing a written plan for providing access to meaningful activities and programs for individuals with limited English proficiency based on the DOT LEP guidance (or copy of the agency's alternative framework for providing access to activities and programs). Certain LOTS that serve very few LEP individuals may choose not to develop a written LEP plan; however, absence of a written LEP plan does not prevent the underlying obligation to ensure meaningful access by LEP individuals to your programs or activities.
 - **Public Notification** – Notifying the public of Title VI rights and procedures the public may follow to file a complaint. This notice should be disseminated to the public through measures that can include, but cannot be limited to the agency's website. Refer to Chapter III (page III-4) of FTA circular 4702.1B and Chapter 14 of this manual for additional information on the required contents of the notice and effective practices for dissemination to the public.
 - **Public Participation** – Establishing and conducting public outreach and involvement activities and undertaking steps to ensure that minority persons have meaningful access to these activities.
- **Reporting** – LOTS are required to *immediately* report any Title VI complaints to MTA. Also, LOTS must report Title VI complaints annually as part of the ATP certification and assurances process and quarterly as part of the quarterly review process. Quarterly reporting also requires submittal of the LOTS Title VI complaint log. Attachment 13.A provides an example of a civil rights complaint log that the LOTS can use for this purpose.
- **First Time Applicants** – In addition to the assurances, entities receiving FTA funding for the first time must provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency (refer to Chapter III, page III-1 of the circular for a description of requirements).
- **Compliance Review** – In addition to annual certifications and assurances and the reporting associated with the ATP, the LOTS should expect the MTA to review their Title VI policy during periodic compliance monitoring visits.
- **Title VI Program Submissions** – The FTA requires that all recipients document their compliance by submitting a Title VI program to FTA's regional Civil Rights Officer (via MTA's Office of Equal Opportunity Compliance Programs) once every three years. To meet this requirement, the LOTS prepare and submit certain

general information. The collection and reporting of this information constitutes their Title VI program. The Title VI program submission must include the following:

- A copy of the LOTS **Title VI notice to the public** that indicates the LOTS complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. The LOTS must include a list of locations where the notice is posted which, at a minimum, includes postings on their web site, at their service facilities and on their buses.
- A copy of the LOTS **instructions to the public regarding how to file a Title VI discrimination complaint**, including a copy of the complaint form and the LOTS complaints process.
- A list or log of any public transportation-related **Title VI investigations, complaints, or lawsuits** filed with the LOTS since the last triennial submission to the MTA. This list should include only those that pertain to the transit agency.
- A **public participation plan** that includes early and continuous opportunities and activities to engage minority and LEP populations in planning transportation services and making decisions. The LOTS must be able to demonstrate that it has implemented the public outreach activities it includes in its public outreach plan as well as documenting new outreach efforts/activities it will make since the last Title VI Program submission.
- A copy of the LOTS' **plan for providing language assistance to individuals with limited English proficiency**, based on the U.S. DOT LEP Guidance.
- LOTS that have transportation-related, non-elected planning boards, advisory councils or committees, or similar bodies, for which the LOTS select the membership, have an additional requirement. Such LOTS must provide a **table depicting the racial breakdown of the membership of the non-elected board, council, or committee**, and a **description of efforts made to encourage the participation of minorities** in the group.
- If the LOTS constructs a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the LOTS is required to conduct a Title VI equity analysis with regard to the location of the facility during the planning stage of the facility, and must include **a copy of the facility Title VI equity analysis** as part of their Title VI program submission to the MTA. If in the future, a LOTS plans to construct a facility, regardless of the funding source for the facility, they should contact the MTA as early as possible in the planning stage for guidance on conducting the Title VI analysis for the facility location.

The LOTS that do not exceed the 50-peak hour fixed-route vehicle threshold can use the Title VI Plan template, Attachment 13.B, to meet their Title VI program obligations. Attachment 13.B.1 provides county-level data on LEP individuals and languages spoken at home, from the American Community Survey of the U.S. Census, for use in the LOTS Language Assistance Plan portion of their Title VI Plan.

Additional Requirements for LOTS that Operate Fixed-Route Services

The LOTS that operate fixed-route service are required to establish the following system-wide standards and policies in accordance with FTA Circular 4702.1B:

- **System-wide service standards** – Quantitative standards must be established **for each mode** (for example, local bus and commuter bus service would be two different modes) for the following indicators:
 - Vehicle load – The ratio of passengers to the total number of seats on a vehicle, which indicates what the transit agency considers to be an acceptable number of standees.
 - Vehicle headway – The amount of time between two vehicles traveling in the same direction on a given route, which indicates service frequency (for example, every 30 minutes).
 - On-time performance – A measure of runs completed as scheduled, including a local definition of what is considered to be “on time” (for example, up to five minutes behind schedule).
 - Service availability -- A general measure of the distribution of routes within a transit provider’s service area (for example, the percentage of all residents in the service area that are within a quarter-mile walk of bus service, or the maximum distance between stops).
- **System-wide service policies** – Policies must be established **for each mode** for the following service quality indicators:
 - Distribution of transit amenities. Transit amenities refers to items of comfort, convenience, and safety that are available to the general riding public, such as shelters, benches, and service information. Fixed-route transit providers must set a policy to ensure equitable distribution of transit amenities across the system (to the extent that they have decision-making authority over the siting of such amenities).
 - Vehicle assignment for each mode. Vehicle assignment refers to the process by which transit vehicles are placed into service throughout the transit provider’s system. Policies for vehicle assignment may be based on characteristics such as the age, condition, and capacity of the vehicle.

The LOTS must take care to fully define and describe its system-wide service standards and policies. The LOTS must be able to demonstrate that the service standards and policies are part of the agency’s overall policies and that they do not result in discrimination or an inequitable distribution of services. In short, the LOTS must develop, measure, and track its service standards and policies to ensure an equitable distribution of services to all its citizens. More information about the required indicators can be found in Chapter IV, pages IV-4 to IV-7, of FTA Circular 4702.1B. TCRP Report 165 - *Transit Capacity and Quality of Service Manual* (<http://www.trb.org/Main/Blurbs/169437.aspx>) provides detailed information on developing and understanding appropriate measures for each of the required service standards.

Additional Requirements for LOTS in Areas with a Population of 200,000 or More Operating at Least 50 Fixed-Route Vehicles in Peak Service

In addition to the requirements outlined above for all LOTS and for LOTS operating fixed-route services, the FTA requires all grantees that operate 50 or more vehicles in peak fixed-route service in large urbanized areas (population 200,000 or more) to also:

- **Collect and analyze demographic data** – Collect and analyze racial and ethnic data to show the extent to which members of minority groups are beneficiaries of the LOTS programs and services. The FTA requires:
 - Demographic and service profile maps and charts - After each decennial census and prior to proposed service reductions or eliminations, including:
 - A base map of the LOTS service area that overlays census tract, census block or block group, traffic analysis zone (TAZ), or other locally available geographic data with transit facilities, transit routes, major activity centers or transit trip generators, and major streets and highways.
 - A demographic map that plots the information listed in the base map and shades those census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total minority population residing in these areas exceeds the average percentage of minority populations for the service area as a whole.
 - A demographic map that similarly shows where the percentage of the total low income population residing in these areas exceeds the average percentage of low income populations for the service area as a whole.
 - Demographic ridership and travel patterns – Develop a demographic profile comparing minority riders and non-minority riders, and trips taken by minority riders and non-minority riders. To do this the LOTS must collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys. Demographic information must also be collected on fare usage by fare type among minority users and low-income users, in order to assist with fare equity analyses.

A detailed description of these requirements can be found in Chapter IV, pages IV-7 to IV-9, of FTA Circular 4702.1B.

- **Monitor transit service** – Conduct periodic (at least every three years) self-assessments to determine whether transit service and related benefits provided to minority communities and minority users is consistent with Title VI objectives in FTA C 4702.1B. Grantees must compare the quality and level of service provided to minority and non-minority users to assess equity relative to their system-wide service standards and service policies. Monitoring requirements are detailed on pages IV-9 and IV-10 of FTA Circular 4702.1B.

- **Evaluate service and fare changes** – Evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether the proposed changes would have a disparate (discriminatory) impact on minority or low income populations. For service changes, this is for major changes only and the recipient should have established guidelines of thresholds for what it considers a major change (e.g., a change that affects 25 percent of the service hours of a route).

A detailed description of the requirements for conducting equity analyses can be found in Chapter IV, pages IV-10 to IV-21, of FTA Circular 4702.1B.

Additional FTA guidance materials can be found through the FTA Title VI Training webpage at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-training>.

Federal Requirements Regarding Providing Meaningful Access to those with Limited English Proficiency (LEP)

Consistent with Title VI, DOT implementing regulations, and Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” (65 FR 50121, Aug. 11, 2000), FTA grantees and subgrantees or LOTS must take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

As part of your Title VI program/plan submissions to the MTA, all LOTS must develop an LEP Plan (also called a Language Assistance Plan) to address the identified needs of the LEP populations it serves. As summarized in FTA circular C 4702.1B (Chapter III, pages III-6 to III-9) the LEP/Language Assistance Plan should:

- Identify the LEP individuals in the LOTS service area who need language assistance and the languages they speak. This is accomplished through a four-factor analysis that identifies:
 1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by the program or LOTS—using census data on language spoken at home and individuals who speak English less than “very well.”
 2. The frequency with which LEP individuals encounter the LOTS program(s).
 3. The nature and importance of the program, activity, or service provided by the LOTS program to people’s lives.
 4. The resources available to the recipient or the LOTS for LEP outreach, as well as the costs associated with that outreach.

As noted earlier, Attachment 13.B.1 provides county-level data on LEP individuals and languages spoken at home, for use in the LOTS Language Assistance Plan portion of their Title VI Plan.

- Describe how the LOTS provides language assistance services by language, including translating “vital documents” such as consent and complaint forms;

intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services (e.g., proposed fare increases or major service changes); and other documents that provide access to essential services.

- Describe how the LOTS provides notice to LEP individuals about the availability of language assistance.
- Describe how the LOTS monitors, evaluates, and updates the language access plan.
- Describe how the LOTS trains employees to provide timely and reasonable language assistance to LEP populations.

In addition to preparing the LEP Plan, the LOTS are expected to follow their plans by providing language assistance including translating vital documents into the appropriate languages, training staff in providing language assistance, and providing notice to LEP individuals of the availability of language assistance.

As described in FTA circular C 4702.1B, the U.S. DOT considers an LEP language group that constitutes five percent or 1,000 individuals, whichever is less, of the total population of individuals eligible to be served or likely to be affected or encountered, to be a “safe harbor” threshold for the requirement to translate written vital documents. If there are fewer than 50 individuals in a language group that reaches the five percent trigger, translation of vital written materials is not required for that language; however, written notice must be provided in this language of the right to receive competent oral interpretation of vital documents, free of cost.

Appropriate language assistance measures will vary from community to community, but may include oral language services (spoken translation) as well as written translation of documents that are vital for accessing services (such as schedule brochures, “how to ride” guides, applications for reduced fare or paratransit services, passenger policies, notices about service changes and public hearings, emergency evacuation instructions, and facilities signage).

For detailed guidance on complying with LEP requirements, consult the U.S. DOT LEP policy guidance (<https://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf>). Additional resources are listed at the end of this chapter. LOTS public outreach requirements are also included in Chapter 14.

Federal Environmental Justice Requirements (All Construction Projects)

The U.S. Environmental Protection Agency (EPA) defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” U.S. DOT Order 5610.2, 77 FR 27534, is based on Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” For FTA grantees and LOTS, environmental justice requirements are tied to the distribution of benefits and burdens

associated with transit projects. Environmental justice requirements are addressed in FTA circular 4703.1, “Environmental Justice Policy Guidance for FTA Recipients” (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/environmental-justice-policy-guidance-federal-transit>).

The FTA expects grantees and subgrantees to consider these goals in planning, project development, and all public outreach and participation efforts conducted.

For new construction and major rehabilitation or renovation projects, an environmental justice analysis must be submitted. Recipients should integrate an environmental justice analysis into the National Environmental Policy Act (NEPA) documentation of construction projects. Recipients are not required to conduct environmental justice analyses of projects where NEPA documentation is not required.

Any LOTS undertaking new construction and major rehabilitation or renovation projects must work closely with their Regional Planner throughout this process to ensure that environmental justice requirements are met.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

LOTS, as employers, may not discriminate in any aspect of employment, including but not limited to, hiring and firing, testing, recruitment, and promotion. As an employer, LOTS may not discriminate against any individual on the basis of race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, or veteran status. There are numerous steps that LOTS must take to assure authorities that EEO policies are actively practiced. It is the responsibility of every LOTS to ensure that their agency is in compliance with the Federal and State EEO guidelines concerning discrimination in the workplace. The FTA requirements are detailed in FTA circular 4704.1A, “Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients,” which was updated in 2016 (<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eo-circular>).

Non-discrimination in Employment under the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, and national origin or retaliation. Employment discrimination is also covered by Title VI if Federal financial assistance is provided for the purpose of employment, or if employment discrimination results in discrimination against program beneficiaries.

To avoid discrimination against LEP individuals on the grounds of national origin, Title VI regulations require Federal funding recipients to take reasonable steps to ensure that LEP individuals receive the language assistance necessary to afford them meaningful access to their programs and activities.

Non-discrimination in Employment under the ADA

LOTS grantees cannot discriminate against individuals with disabilities when hiring or in the workplace when an individual with a disability has been hired. Titles I and V of the ADA prohibit employment discrimination against qualified individuals with disabilities in the private sector, as well as in State and local governments. Employers with 15 or more employees are required to provide reasonable accommodation for individuals with disabilities, unless it would cause undue hardship. Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business.

A reasonable accommodation is any change in the work environment or in the way a job is performed that enables an individual with a disability to enjoy equal employment opportunities. Examples of reasonable accommodation include making existing facilities used by employees readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; or appropriately modifying examinations, training, or other programs. Reasonable accommodation also may include reassigning a current employee to a vacant position for which the individual is qualified, if the individual becomes disabled and is unable to do the original job. However, there is no obligation to find a position for an applicant who is not qualified for the position sought. Employers are not required to lower quality or quantity standards in order to make an accommodation, nor are they obligated to provide personal use items such as glasses or hearing aids. (Source: The U.S. Equal Employment Opportunity Commission, "The ADA: Questions and Answers" <http://www.eeoc.gov/facts/adaqa1.html>).

For assistance with accommodating individuals with disabilities as employees, the Job Accommodation Network, a service provided by the U.S. Department of Labor's Office of Disability Employment Policy (ODEP), facilitates employment and retention of workers with disabilities. Job Accommodation Network provides free consulting services for employers, including one-on-one consultation about all aspects of job accommodations, including the accommodation process, accommodation ideas, product vendors, referral to other resources, and ADA compliance assistance. The website, <http://askjan.org/>, provides accommodation ideas for employees with many different types of disabilities at <http://askjan.org/media/atoz.htm>.

EEO Requirements for All LOTS

All LOTS, regardless of size, are required to include the following policies and procedures in their basic EEO program.

- **Responsible party** – Identify the office or individual responsible for ensuring compliance with EEO requirements. Include this information in the ATP. The EEO officer should be an executive and must have direct access to the LOTS Chief Executive Officer.
- **Written policy statement** – Develop a formal EEO policy not to discriminate against any employee or applicant and take affirmative action to ensure that

applicants are employed and employees treated without regard to race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or any other protected class. Those LOTS systems that do not meet the Federal thresholds for a formal EEO program (described below) are still required to ensure that their hiring and employment practices are not discriminatory by developing and publicizing their policy to comply with EEO.

- **Complaint procedure** – Establish a procedure for handling EEO employment complaints. All employees and applicants have the right to file complaints alleging discrimination on the basis of race, color, creed, national origin, sex, age or disability, regardless of whether the transit system has a formal EEO program (as required for larger organizations). The LOTS should have procedures in place for receiving, processing, and handling EEO complaints. The LOTS are required to *immediately* report any EEO complaints to the MTA.
- **Internal and External Dissemination (Notice to employees and applicants)** – Post notices setting forth your EEO policy in conspicuous places and make them available to employees and applicants for employment. Employees should be made aware of the fact that the EEOC has established a grievance process that can be accessed at the Federal, State, and local levels: <https://www.eeoc.gov/employees/charge.cfm>.
- **Annual certification and assurances** – Certify annually in the ATP certifications and assurances that EEO requirements are being met.
- **Complaint reports** – Notify the MTA *immediately* of any EEO complaints. Also, the LOTS must report EEO complaints annually as part of the ATP certification and assurances process and quarterly as part of the quarterly review process. The LOTS must also submit their EEO Complaint Log as part of the quarterly review process. Attachment 13.A provides an example of a civil rights complaint log that the LOTS can use for this purpose.
- **Status report** – Indicate as part of the annual ATP grant application process whether or not the organization has 50 or more transportation-related employees, received more than \$1 million in FTA capital or operating assistance or more than \$250,000 in FTA planning assistance in the fiscal year preceding the application year, and, if yes, whether or not the organization has an FTA-approved EEO program (described below).

In addition, LOTS with 15 or more employees must have:

- **Policy and procedures for making reasonable accommodations** – For individuals with disabilities upon request. For more information on this requirement, see <https://www.eeoc.gov/facts/accommodation.html>.

A sample EEO program, for any LOTS that does not exceed the threshold for a formal FTA-approved program, is provided as Attachment 13.C. All LOTS that meet the

minimum EEO program threshold are required to maintain a written, documented copy of their EEO Program on file and must be able to provide such to the FTA or MTA upon request. LOTS must also update their EEO Program as changes occur.

EEO Requirements for LOTS that Meet Federal Thresholds for a Formal EEO Program

The requirements are more formal for any LOTS grantee that both:

1. Directly employs 50 or more transit-related employees (including temporary, full-time, or part-time employees) or indirectly employs them through a contractor or contractors,¹ and
2. Received in excess of \$1 million in capital or operating assistance or in excess of \$250,000 in planning assistance in the previous Federal fiscal year.

A LOTS status could change year-to-year, depending on funding awards and size of staff. The MTA Office of Local Transit Support and/or Office of Equal Opportunity Compliance Programs will contact the LOTS that meet these thresholds when grant awards are made and work with you to ensure compliance.

In addition to the above minimum EEO Program requirements specified for all LOTS, those LOTS that meet the thresholds for a formal EEO Program are also required to establish the following formal EEO Program policies and procedures:

- **EEO Officer** – All transit systems or their jurisdictional governments that meet the Federal thresholds must designate an EEO Officer who is responsible for ensuring that EEO obligations are fulfilled. This officer should report directly to the grantee's Chief Executive Officer. Care should be taken to make sure there is no conflict of interest for the individual in this position or among the staff administering the program (for example, a personnel officer).
- **Policy statement** – A statement of policy regarding non-discrimination in the workplace. This must be dated and signed by the agency's CEO/GM covering all employment and personnel practices, including recruitment, hiring, promotions, terminations, transfers, layoffs, classification, compensation, training, benefits, complaints, and other terms and conditions of employment.
- **Plan for Dissemination (both internally and externally)** – The FTA requires agencies to publicize and disseminate their EEO policy statement by posting it in conspicuous locations so that employees, applicants, and potential applicants are aware of the agency's commitment to the EEO. Agencies are required to disseminate their EEO policy internally and externally (see Attachment 13.C for

¹ For example, if a city (receiving over \$1 million in FTA funds) with ten transit-related employee contracts with a private provider who employs 40 transit-related employees, then neither the city nor the contractor is required to have and submit the formal EEO Program. However, if the city (the grantee) exceeds both thresholds, then the grantee would be required to submit a formal EEO Program to the FTA. If the contractor employs 50 or more transit-related employees, the grantee must ensure that the contractor submits a formal EEO Program to the grantee for MTA's review and approval.

more detail). LOTS need to be aware of and address employment barriers that can include having employment material only available in English and not available for individuals with LEP. LOTS also need to address outreach efforts to populations that are underrepresented in their workforce.

- **Designation of Personnel Responsibility** – The FTA requires agencies to designate an executive as the EEO Officer who will report to and is directly responsible to the agency's CEO/GM. Since managing the EEO Program requires a commitment of time and resources, the FTA requires agencies and their senior managers to give the EEO Officer support and assign sufficient staff to successfully carry out the EEO Program, as appropriate. The FTA requires agencies to name the EEO Officer and publicize the individual's contact information in all internal and external communications regarding the agency's EEO Program. This will include publishing the EEO Officer's contact information prominently in both print and electronic communications.
- **Assessment of Employment Practices** – An assessment of past employment practices (include hiring, recruiting, training, discipline and dismissal) and proposed remedies for problem areas, with a detailed assessment of present employment practices (broken down by employee classification, race and sex) to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization. The FTA requires agencies to identify all problem areas and propose a program of corrective actions as part of their EEO Program (see Attachment 13.C for more detail). LOTS need to address the.
- **Monitoring and Reporting System** – The LOTS monitoring and reporting system must assess EEO accomplishments, enabling the agency to evaluate the EEO Program during the year and to take any necessary corrective action, where goals were not met, and provide a precise and factual database for future projections (see Attachment 13.C for more detail).

EEO Requirements for LOTS that Employ 100 or More Transit-Related Employees

In addition to the above formal EEO Program requirements, LOTS that employ 100 or more transit-related employees must meet the following two additional formal EEO Program requirements:

1. **Workforce Utilization Analysis** – A workforce analysis consisting of an identification of areas of underutilization. The **FTA now only requires this for grantees with 100 or more transit-related employees.** A workforce utilization analysis will include the following minimum analysis:
 - A statistical breakdown of the LOTS' work force by job classification/category cross-referenced by race and sex,
 - A percentage breakdown of the current workforce cross-referenced by group, and
 - An availability percentage and underutilization by classification/category cross-referenced by group.

2. **EEO Goals and Timetables** – There are goals and timetables set to correct any underutilization of specific classes of individuals identified in the workforce utilization analysis. The **FTA only now requires this for grantees with 100 or more transit-related employees.** LOTS Goals and timetables must contain specific and detailed percentages and numerical goals within an established timeframe (the next four-year period) for any categories of underutilization. The LOTS that fail to meet their goals for the prior reporting period must justify why the goal was not reached and will include narrative of the efforts the LOTS have made to reach the goals and any new efforts to be used based upon the results of the latest utilization analysis.

Each year as part of the ATP grant application process, the MTA Office of Local Transit Support will review those LOTS that meet the Federal thresholds requiring a formal EEO Program (100 or more employees) or an abbreviated Program (50-99 employees) . The MTA will work with the LOTS directly to ensure they comply with the applicable EEO requirements for that year and have the appropriate EEO Program on file. Those LOTS that meet the Federal thresholds, but do not have an EEO Program on file, will be required to send their EEO Programs and updates to the MTA Offices of Local Transit Support and Equal Opportunity Compliance Programs for review and approval prior to or as part of their ATP grant award process.

The MTA will send these EEO Programs to the FTA for review. The FTA must approve EEO Programs.

FTA requires that an EEO Program update be conducted at least every four years (note, this formal update may occur sooner as part of the ATP process if major changes occur in the LOTS work force or in employment conditions). MTA will annually notify those LOTS that need to conduct a formal EEO Program update.

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

The U.S. DOT Disadvantaged Business Enterprise (DBE) Program seeks to ensure non-discrimination in the award and administration of U.S. DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs and to create a level playing field on which DBEs can compete fairly for U.S. DOT-assisted contracts. The DBE regulations are contained in 49 CFR Part 26 - Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

Under this rule, a DBE is defined as “a for-profit small business concern” when:

- (1) At least 51 percent is owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals, and
- (2) The management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.”

All LOTS must ensure that they do not discriminate against DBEs in the awarding and administration of FTA- and MTA-assisted contracts. Grantees must also create a level playing field on which DBEs can compete fairly for U.S. DOT-assisted contracts, ensure that only firms that fully meet eligibility standards are permitted to participate as DBEs, help remove barriers to the participation of DBEs, and assist the development of firms that can compete successfully in the marketplace outside the DBE program. FTA DBE requirements and guidance can be found on the FTA website at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/disadvantaged-business-enterprise>.

DBE Requirements for All LOTS

It is the responsibility of every LOTS to ensure that their agency is in compliance with the Federal and State DBE guidelines. All LOTS are required to:

- **Designate a DBE Officer.** All transit systems or their jurisdictions should have a designated DBE Officer who is responsible for ensuring that DBE obligations are fulfilled.
- **Develop a formal DBE policy statement** that prohibits discrimination against DBEs in the award of contracts. The requirements for this statement are described later in this chapter.
- **Establish a procedure for handling DBE complaints.** Any individual who believes that the DBE regulations have been violated may file a written complaint. The LOTS must have a procedure in place to receive, handle and resolve any DBE complaints, including reporting them *immediately* to the MTA.
- **Certify annually that DBE requirements are being met.** The LOTS certify that they comply with DBE regulations as part of the ATP annual certifications and assurances.
- **Report any DBE complaints to the MTA.** The MTA should be notified *immediately* of any complaints. In addition, DBE complaints must be reported annually as part of the ATP certification and assurances and quarterly as part of the quarterly review process. The LOTS must submit their DBE Complaint Log as part of the quarterly review process. Attachment 13.A provides an example of a civil rights complaint log that the LOTS can use for this purpose.
- **Identify in ATP the current status of DBE Program** indicating whether the system has an official FTA approved program.
- **Develop and submit a formal DBE Program.** The State of Maryland requires all LOTS to develop and follow a formal DBE program. The required elements of the DBE program and submission requirements and procedures are outlined on page 13-18. An FTA template for a DBE program is provided as Attachment 13.D.

- **Establish DBE goals.** The State of Maryland requires all LOTS to establish individual DBE goals for all procurements over \$25,000 that have subcontracting possibilities. The MTA submits these goals to the FTA as part of its annual submittal to the FTA. The goal-setting requirements are outlined on page 13-19.
- **Report to the MTA.** As part of the ATP application process, all LOTS are required to submit a statement indicating the previous year's DBE goal and the results of their efforts to achieve this goal. Additionally, each applicant will need to submit a new goal for the upcoming year. Further, all LOTS that have DBE goals established for procurements exceeding \$25,000 must submit quarterly statements to MTA's Office of Equal Opportunity Compliance Programs that include a running tally of DBE attainments. Reporting requirements are described below.

The Formal DBE Program Requirement

The State of Maryland requires that all LOTS develop and follow a formal DBE program and establish individual DBE goals for all procurements over \$25,000 with subcontracting possibilities. This requirement is designed to ensure that businesses owned and controlled by socially and economically disadvantaged individuals are given fair opportunity to participate in Federally-funded contracts.

All LOTS or their governmental units (county, city, regional council) are required to have a formal DBE program and to send it to the MTA as part of their annual ATP process. The LOTS will be required to update and provide their DBE programs every three years (or sooner if needed) to the MTA for review. If the LOTS is part of a county or city government that has a DBE program, and the transit program is using that program, the local government's program must be submitted to the MTA, and the LOTS must attest to the fact that the transit system follows the county/city DBE program/goals.

The MTA will review the LOTS DBE programs to ensure that they comply with Federal and State requirements.

If your agency has \$250,000 or more in U.S. DOT-assisted prime contracting opportunities from FTA planning, capital (excluding transit vehicles), and/or operating assistance in a Federal fiscal year,² you must have an FTA- or FHWA-approved DBE program as a precondition for receiving U.S. DOT financial assistance. Attachment 13.D provides a template for a DBE program meeting U.S. DOT requirements. If the LOTS meets Federal thresholds, MTA will send these formal DBE programs to FTA for review and approval. This is a one-time submission to the FTA, and only needs to be resubmitted when significant changes in the program occur. However, the U.S. DOT DBE Program requirement continues until all U.S. DOT funds are expended.

²49 CFR 26 states prime contracting opportunities include "DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land."

If needed, assistance in developing a DBE program is available through MTA's Office of Equal Opportunity Compliance Programs. Developing and following a formal DBE program includes:

- Identifying contracting opportunities,
- Analyzing DBE availability to provide products or services identified for contracting,
- Establishing DBE goals for annual contract participation by disadvantaged businesses. Goals must be based on demonstrable evidence of the availability of ready, willing, and able DBEs relative to all businesses that are ready, willing, and able,
- Using good faith efforts to achieve contract goals,
- Using only certified DBE firms by developing a directory of DBE-certified firms to be notified when competitive procurements are advertised (the LOTS are allowed to use the MDOT list of certified DBEs), and
- Maintaining a record of steps taken and participation achieved.

The MTA will review contracting activity records during periodic compliance review site visits as part of their monitoring obligations to FTA.

DBE Goals

Your overall/annual DBE goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing, and able to participate on U.S. DOT-assisted contracts ("relative availability of DBEs").

A contract goal is the percentage of participation in a specific contract for which your organization proposes to achieve with the assistance of certified DBE firms. You may use contract goals only on those U.S. DOT-assisted contracts that have subcontracting possibilities. You are not required to set a goal on every U.S. DOT-assisted contract. Goals are set on a contract-by-contract basis, depending on such factors as the type of work involved, the location of the work, and the availability of DBE firms. A contract goal is a means used to meet the overall goal. Local grantees are expected to develop their own goals based on analysis of available DBE firms to perform the type of work to be contracted. U.S. DOT does not approve your goal and recipients are not required to achieve a minimum goal. However, U.S. DOT does review and approve the *methodology* used to establish the overall goal. A description of the LOTS methodology used to reach the LOTS overall goal is a requirement of the DBE program. U.S. DOT guidance on goal-setting is available online at: <http://www.osdbu.dot.gov/DBEProgram/tips.cfm>.

Overall goals should be calculated as a percentage of all FTA funds (exclusive of funds to be used for the purchase of transit vehicles, which have separate DBE requirements as described below) that the grantee will expend in FTA-assisted contracts in the forthcoming fiscal year. Grantees may also be permitted to

express an overall goal as a percentage of funds for a particular grant and/or project.

DBE goal setting requirements are different for procurements involving \$25,000 or more in Federal/State funds for operating or capital purchases than they are for procurements involving less Federal/State funding.

- Procurements involving over \$25,000 in Federal/State funds operating or capital, excluding vehicle purchases. Since the State requires that these procurements are competitively bid, LOTS must undertake a competitive bidding process that includes individual DBE project goal setting and FTA DBE language in the contract. All procurements over \$25,000 in Federal/State funds must be pre-approved by the MTA OLTS and LOTS must obtain a concurrence letter from the MTA. The LOTS must report quarterly on any contractor achievement goals set to MTA's Office of Equal Opportunity Compliance Programs. Standard report forms can be obtained by contacting the MTA Office of Equal Opportunity Compliance Programs. If the procurement is over \$50,000, the project-specific goal must be reviewed and approved by the Office of Equal Opportunity Compliance Programs and MTA Procurement Review Group (PRG).
- Purchases involving \$25,000 or under in Federal/State funds operating or capital, excluding vehicle purchases. A local systemwide DBE goal will have been set for those purchases under \$25,000 in Federal/State funding. DBE compliance on these purchases is achieved through use of the LOTS DBE plan. Each purchase would not be subject to individual DBE goals, but could be part of the overall annual LOTS DBE goal. The DBE goal for this type of purchase could be for the LOTS system itself or may be for the overall DBE program for the jurisdiction.

As with purchases over \$25,000, capital grant purchases \$25,000 or less still must be pre-approved by the MTA OLTS and a concurrence letter obtained by the LOTS.

Required Elements

The DBE program must include:

- Policy Statement – Your DBE program must include a signed and dated policy statement that is circulated throughout your organization as well as to the business community regarding non-discrimination in the awarding of contracts. Grantees must distribute a signed and dated policy statement that expresses a commitment to the DBE program, states its objectives, and outlines responsibilities for its implementation. The statement must be circulated throughout the organization and to the DBE and non-DBE business communities that perform work on FTA-assisted contracts. This requirement can be met for the outside business community by including the policy statement in all procurements involving FTA funds.

- DBE Goals and Goal Setting – Described above.
- Public Participation – Grantees must provide for public participation that includes:
 - Consultation with minority business groups, women's business groups, general contractor groups, community organizations, and other officials or organizations that could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and a grantee's efforts to establish participation of DBEs.
 -
 - A published notice announcing proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the principal office for 30 days following the date of the notice, and informing the public that comments on the goals will be accepted for 45 days from the date of the notice. The notice must include addresses to which comments may be sent. The notice must be published in general circulation media and be available in minority-focused media and trade association publications.

Reporting Requirements

- Annual Submittals – The LOTS must submit overall DBE goals to the MTA for review each year as part of their ATP process. Grantees required to have a written program that are part of a local government (county or incorporated municipality) may be allowed to submit a single plan to FHWA if the local government receives more funding from FHWA than from the FTA. If this situation occurs, the MTA OLTS should be contacted to confirm that a separate FTA program is not required. The grantee must still submit transit-specific goals to the MTA on an annual basis.
- Good Faith Efforts – If a recipient awards a contract to a firm that does not meet the specific DBE contract goal, it must demonstrate that it made a sufficient "good faith effort." Refer to 49 CFR Part 26, Section 26.53 for a detailed description of good faith efforts. The grantee should require contractors to obtain approval from its DBE Officer prior to substituting a DBE firm after a contract is awarded.
- Uniform Report of DBE Awards or Commitments and Payments – The MTA is required to submit a Uniform Report of DBE Awards or Commitments or Payments. The LOTS are required to report on DBE activity quarterly to the MTA for inclusion in these reports. Prime Contractor and DBE subcontractors should submit their reports to the MTA Office of Equal Opportunity Compliance Programs. Standard Report forms can be obtained from MTA Office of Equal Opportunity Compliance Programs.

Certification of DBEs – Non-Vehicle Procurements

Each LOTS must ensure that only firms certified as eligible DBEs consistent with the Federal standards participate as DBEs in their program. The Federal regulations give specific guidance on determining eligibility based on group membership or individual disadvantage, business size, ownership, and control. The application form to be used for certification of DBEs is Appendix F of 49 CFR Part 26.

Divisions within MDOT participate in a Unified Certification Program (UCP) which is intended to provide “one stop” shopping for DBE firms and contractors competing on U.S. DOT-assisted contracts. The LOTS must use the MDOT list of eligible DBEs if they do not have their own list of certified DBEs or if they are concerned that their list does not accurately reflect the potential DBEs in their area. The MDOT list can be found online at <https://mbe.mdot.maryland.gov/directory/>.

Certification of Transit Vehicle Manufacturers (TVMs)

FTA assistance used to procure vehicles for public transportation purposes is not included in the base amount from which the organization’s overall DBE goal is calculated.

FTA grantees (and LOTS for their vehicle procurements) must require that each TVM, as a condition of being authorized to bid on transit vehicle procurements funded by the FTA, certify that it has complied with the requirements of 49 CFR 26.49.

Only those TVMs listed on FTA's certified TVM list, or that have submitted a goal methodology to FTA that has been approved or has not been disapproved at the time of solicitation, are eligible to bid.

After receiving MTA concurrence, but prior to making award of a transit vehicle procurement, the LOTS must notify the MTA of the name of the successful bidder and the total dollar value of the contract.

More information is available at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/transit-vehicle-manufacturers-tvms>.

Requirements for Contracts with Third-Party Vendors

Contracts which involve subcontractors must also include an overall contract goal. The grant recipient must implement appropriate mechanisms to ensure compliance by all participants with all DBE program requirements.

The LOTS are required to include language in the contract that ensures prompt payment of DBE subcontractors and return of retainage.

The LOTS must also monitor DBE compliance of third party vendors. Individual vendor contracts will identify a DBE goal for the vendor to achieve. The LOTS must report quarterly on contractor achievement of goals to MTA Office of Equal Opportunity Compliance Programs.

The U.S. DOT takes DBE fraud very seriously and expects funding recipients to monitor third party vendors, including conducting site reviews, to ensure that subcontractors are actually performing the work for which they were included in the project proposal/bid.

The U.S. DOT requires recipients to search the System for Awards Management (SAM), at www.sam.gov to verify that contractors and subcontractors have not been excluded from participating on Federally-funded projects before entering any agreement with a contractor.

EMERGENCY PREPAREDNESS AND CIVIL RIGHTS

As LOTS work to improve their ability to respond and recover from emergencies and disasters, they have a responsibility to ensure that individuals will not be denied the benefits of, be excluded from participation in, or subject to discrimination under these essential transportation programs. Recipients of FTA funds should ensure that their emergency preparedness, disaster response, and disaster recovery planning and operations comply with Federal civil rights laws.

Consideration of this aspect during emergency preparedness is especially important for the LOTS that operate in areas vulnerable to natural or man-made disasters and that also have populations with relatively high numbers and proportions of minorities, low income individuals, seniors, individuals with disabilities, and individuals with LEP.

Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness* (July 2004), states the Federal government's policy to ensure safety and security of individuals with disabilities in emergency situations and in emergency preparedness planning.

While there are no FTA regulations or requirements that specifically address the relationship between non-discrimination requirements and planning for transit emergency preparedness, civil rights laws clearly require that evacuation assistance of special needs populations be considered. The expression "special needs populations" is broad and can mean different things in different contexts. It has been used in FTA and U.S. DOT reports to include a wide range of people, including:

- Individuals with disabilities,
- Racial and ethnic minority groups,
- Individuals who do not speak English,
- Children,
- Seniors,
- People who live in poverty,

- People without private transportation,
- People who rely on caregivers for assistance, and
- People who live in facilities (such nursing homes or assisted living facilities), as well as people who live independently.

MTA Requirements

The MTA requires that each LOTS prepare a Safety, Security, and Emergency Preparation Plan (SSEPP). During the development of the SSEPPs, LOTS should consider special populations that are vulnerable in the event of an emergency.

Planning Guidelines

Some key areas to address in planning for emergencies include:

- **Public involvement in the emergency preparedness planning** – Affording opportunities for minority, low-income, LEP individuals, seniors, individuals with disabilities, and households without vehicles to actively participate in the process. This includes providing opportunities for public participation through means other than written communication, such as personal interviews or use of recording devices. (See Chapter 14 for recommendations on inclusive and accessible public participation in planning.)
- **Identifying the needs of the targeted populations** – Identifying the vulnerable populations in your area and planning for the unique needs of these populations. This may include demographic profiles to understand the location of transportation-disadvantaged populations during an emergency.
- **Communicating with the general public and the focus populations** – Creating processes and procedures for communicating emergency preparedness information and instructions to the targeted populations. This includes providing emergency instructions in alternate languages and accessible formats and using dissemination media that is targeted to special needs populations.
- **Working with intermediary organizations** – Partnering with local faith-based organizations, cultural organizations, social service agencies, and other non-profit organizations that work with special needs populations and have credibility with the people they serve.
- **Evacuation planning** – Making provision for evacuation and sheltering of individuals in emergency situations, in particular evacuation procedures that address the needs of the targeted populations. Prepare internal staffing fleet management and train staff in plan implementation procedures. Identify staff members who are bilingual and who could aid LEP individuals in an emergency.
- **Use of public transit** – Making provisions for the use of the area's public transit system for coordinated human service transportation to assist in the evacuation or to return people to their communities when the emergency has ended.

- **Interagency coordination** – Making provisions to coordinate with other agencies during the emergency, particularly the jurisdiction's emergency management agencies and first responders, as well as local human service transportation providers and assisted living facilities.

Additional resources are listed on the next pages.

ADDITIONAL RESOURCES

General

- MTA Equal Opportunity Compliance Programs - <https://mta.maryland.gov/fair-practices>
- FTA Office of Civil Rights - <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/civil-rightsada>

Title VI

- FTA Circular 4702.1B, “Title VI Requirements and Guidelines for FTA Recipients” (2012) - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>
- FTA Title VI web page - <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-civil-rights-act-1964>
- FTA’s Title VI Training webpage - <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-training>
- 49 CFR Part 21 - Nondiscrimination in Federally-Assisted Programs Of The Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 - http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr21_main_02.tpl

Limited English Proficiency (LEP)

- U.S. DOT “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons” (2005) - <https://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf>
- *Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers*, prepared by the Federal Transit Administration Office of Civil Rights (2007) - http://www.sddot.com/services/civil/docs/LEP_Handbook.pdf
- *How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision Making*, prepared by PBS&J for the Federal Highway Administration (2006) - http://www.fhwa.dot.gov/planning/publications/low_limited/index.cfm
- Federal Interagency LEP website - www.lep.gov

Environmental Justice

- FTA circular 4703.1, “Environmental Justice Policy Guidance for Federal Transit Administration Recipients” (2012) - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/environmental-justice-policy-guidance-federal-transit>
- Federal Highway Administration’s (FHWA) Environmental Justice website - http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm

Equal Employment Opportunity (EEO)

- FTA circular 4704.1A, “Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients” (2016) - <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eo-circular>
- FTA Office of Civil Rights EEO web page - <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/equal-employment-opportunity>
- U.S. Equal Employment Opportunity Commission - <http://www.eeoc.gov/>
- EEOC grievance process - <https://www.eeoc.gov/employees/charge.cfm>
- EEOC ADA FAQs - <https://www.eeoc.gov/facts/adaqa1.html>
- Job Accommodation Network - <http://askjan.org/>

Disadvantaged Business Enterprise (DBE)

- FTA Office of Civil Rights DBE web page - <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/disadvantaged-business-enterprise>
- 49 CFR Part 26, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs” - http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl
- U.S. DOT Tips for Goal-Setting in the Disadvantaged Business Enterprise (DBE) Program - <http://www.osdbu.dot.gov/DBEProgram/tips.cfm>
- FTA *Best Practices Procurement Manual*, DBE chapter - <https://www.transit.dot.gov/funding/procurement/bppm-disadvantaged-business-enterprise> (Note: an update is under way to this manual; the LOTS are cautioned that the most current requirements may not be reflected.)

Emergency Preparedness

In addition to the emergency preparedness resources listed at the end of Chapter 11, the following resources focus specifically on preparedness for vulnerable populations:

- Inclusiveness Preparedness Center - <http://inclusivepreparedness.org/>
- U.S. DOT's Departmental Guidelines on Emergency Preparedness and Individuals with Disabilities - <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/departamental-guidelines-emergency-preparedness-and>
- National Council on Disability Emergency Management web page - <http://www.ncd.gov/policy/emergency-management>
- "Promising Practices for Fixed-Route & Paratransit Agencies: Communicating with Older Adults Before, During & After Emergencies, National Center on Senior Transportation" Information Brief (2015) - <http://www.nadtc.org/resources-publications/promising-practices-for-fixed-route-paratransit-agencies-communicating-with-older-adults-before-during-after-emergencies/>
- *Effective Communications for People with Disabilities: Before, During, and After Emergencies*, National Council on Disability (2014) - <http://www.ncd.gov/publications/2014/05272014>
- *Paratransit Emergency Preparedness and Operations Handbook*, TCRP Report 160 (2013) - <http://www.trb.org/Publications/Blurbs/168321.aspx>
- *Communication with Vulnerable Populations: A Transportation and Emergency Management Toolkit*, TCRP Report 150 (2011) <http://www.trb.org/Publications/Blurbs/168321.aspx>
- *Routes to Effective Evacuation Planning Primer Series: Evacuating Populations with Special Needs*, FHWA (2009) – <http://www.ops.fhwa.dot.gov/publications/fhwahop09022/>
- *Transportation Equity in Emergencies: A Review of the Practices of State Departments of Transportation, Metropolitan Planning Organizations, and Transit Agencies in 20 Metropolitan Areas*, FTA (2007) - <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/transportation-equity-emergencies>
- U.S. DOT's Civil Rights Strategy Paper and Checklist for Communities on Addressing the Needs of Transportation Dependent Populations During an Emergency – <https://www.transportation.gov/civil-rights/emergency-preparedness/strategy-paper-checklist>

- *An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities*, USDOJ - <http://www.ada.gov/emergencyprepguide.htm>
- *Functional Needs of People with Disabilities: A Guide for Emergency Managers, Planners & Responders*, National Organization on Disability - <http://205.186.160.39/assets/downloads/Guide-Emergency-Planners.html>

CHAPTER 13: SUMMARY CHECKLIST

- ❑ Immediately report any Title VI, EEO, or DBE complaints to the MTA.
- ❑ Develop and submit to the MTA Office of Equal Opportunity Compliance Programs a written Title VI program that includes procedures for investigations, complaints, and lawsuits, a language assistance plan for individuals with limited English proficiency (LEP), and public notification procedures.
- ❑ Submit a copy of the Title VI program, list of investigations, complaints or lawsuits and the Title VI contact person with your annual ATP.
- ❑ Prepare triennial updates to the Title VI program and submit to the MTA Office of Equal Opportunity Compliance Programs, unless certain requirements are met.
- ❑ If you operate fixed-route services, set system-wide service standards and policies for each mode.
- ❑ If you operate 50 or more peak fixed-route vehicles in an area with a population of 200,000 or more, collect and analyze demographic data, evaluate service and fare changes, monitor transit service, and prepare and submit a Title VI program to the FTA.
- ❑ Develop and submit an environmental justice analysis for new construction and major rehabilitation or renovation projects.
- ❑ Ensure that hiring practices do not discriminate against any individual on the basis of race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, or veteran status.
- ❑ Identify the office or individual responsible for ensuring compliance with EEO requirements in ATP.
- ❑ Develop a written EEO policy statement.
- ❑ Establish an EEO complaint procedure.
- ❑ Post EEO notices for employees and applicants.
- ❑ If you have 15 or more employees, develop policy and procedures for making reasonable accommodations for individuals with disabilities upon request.
- ❑ Establish a formal EEO program if your organization both: employs 100 or more transit-related employees (including temporary, full-time or part-time employees either directly employed and/or through contractors), and received in excess of \$1 million in capital or operating assistance or in excess of \$250,000 in planning assistance in the previous Federal fiscal year.
- ❑ Establish an abbreviated EEO Program if your organization both: employs 50-99 transit-related employees (including temporary, full-time or part-time employees either directly employed and/or through contractors), and received in excess of \$1

million in capital or operating assistance or in excess of \$250,000 in planning assistance in the previous Federal fiscal year.

- ❑ Designate a DBE Officer in your annual ATP.
- ❑ Develop a formal DBE policy statement.
- ❑ Establish a procedure for handling DBE complaints.
- ❑ Develop and submit a formal DBE program and send it and updates (every three years or sooner) to the MTA Office of Equal Opportunity Compliance Programs for review.
- ❑ If your agency has \$250,000 or more in U.S. DOT-assisted prime contracting opportunities from FTA planning, capital (excluding transit vehicles), and/or operating assistance in a Federal fiscal year, obtain an FTA- or FHWA-approval of the DBE program as a precondition for receiving U.S. DOT financial assistance.
- ❑ Establish individual DBE goals for all procurements over \$25,000 that have subcontracting possibilities. the OLTS reviews for procurements from \$25,000 - \$49,999; and the Office of Equal Opportunity Compliance Programs reviews and approves goals for procurements \$50,000 and over.
- ❑ Report on success in achieving annual DBE goal.
- ❑ If you have procurements exceeding \$25,000, submit quarterly statements to MTA's Office of Equal Opportunity Compliance Programs that include a running tally of DBE attainments.
- ❑ Ensure that only firms certified as eligible DBEs consistent with the Federal standards participate as DBEs in your program.
- ❑ Require that each transit vehicle manufacturer, as a condition of being authorized to bid on transit vehicle procurements funded by the FTA, certifies that it has complied with the requirements of 49 CFR 26.49.
- ❑ Include language in contracts that ensures prompt payment of DBE subcontractors and return of retainage.
- ❑ Monitor the DBE compliance of third party vendors.
- ❑ Ensure that emergency preparedness, disaster response, and disaster recovery planning and operations comply with Federal civil rights laws.
- ❑ During the development of the safety and security plans, consider special populations that are vulnerable in the event of an emergency.

14

PUBLIC OUTREACH

Many of the planning and policy development requirements for the LOTS include specific requirements for public notice and consultation. These requirements are described or summarized in the chapters of this manual for which they apply, with supplemental information provided in this chapter. LOTS activities which require a public participation component include:

- ***The Annual Transportation Plan (LOTS Funding Application) (Chapter 2)***
- ***Service Reductions and Fare Changes (Chapters 2, 5, and 13)***
- ***ADA Paratransit Service and Policy Changes (Chapter 12)***
- ***Other Service Changes (Chapters 2 and 13)***
- ***Facilities Development (Chapters 7 and 13)***

This chapter presents an overview of the public notice and participation requirements of each of the following Federal and State compliance areas:

- ***Title VI - Nondiscrimination***
- ***Americans with Disabilities Act (ADA)***
- ***Half Fare***
- ***Public Notice Regarding Fare Changes and Major Service Reductions***
- ***Equal Employment Opportunity (EEO) Statement***
- ***Public Notice for the Program of Projects (POP)***

This chapter is organized into the following major sections:

- ***Minimum Requirements for LOTS Public Outreach when Changing Fares or Services***
- ***Other Public Notice and Outreach Requirements for Specific Compliance Areas***
- ***Frequently Asked Questions***
- ***Additional Resources***

Note: Outreach requirements for procurements are not included in this chapter, but are addressed in Chapter 4 of this manual.

MINIMUM REQUIREMENTS FOR LOTS PUBLIC OUTREACH WHEN CHANGING FARES OR SERVICES

Each LOTS is required to develop and maintain a written public notice, public comment, and public hearing process for considering fare and/or service changes to their transit or paratransit programs. The MTA must be notified in advance of all proposed fare and service changes. At a minimum, proposed fare and service changes may be submitted to the MTA concurrently with the public notice process. This notice must be in writing and applies to changes in the LOTS' routes, schedules, service times, bus stop locations, and/or fares.

Formal Public Comment Process for All Fare Changes and Major Service Reductions

Prior to implementing any fare change or a major service reduction, a LOTS must provide a formal opportunity for public comment containing the following elements:

Written Policies and Procedures

Each LOTS must have a locally-developed written policy that describes the public comment process. The LOTS written policy must include a definition of what the LOTS considers a "major service change." The process must provide for an opportunity for a public hearing or public meeting for any fare change or major service reduction. The policy must describe how such meetings will be conducted and how the results will be considered. The procedures must describe how the LOTS will solicit and consider public comments, both during the public hearing/meeting as well as those submitted in writing or otherwise. Finally, the policy must include a discussion on what strategies will be used to ensure adequate public outreach is conducted during the public comment period.

The locally-developed process must establish guidelines or thresholds for what the LOTS considers a "major" change and in particular, a "major service reduction." Often, this is defined as a numerical standard, such as a change that impacts (reduces) 25 percent of service hours of a route, or eliminates ten percent of the stops along a route. It might also include changes such as a reduction in the span of service (e.g., Sunday service or evening service) or elimination of service to any geographic area (e.g., cutting service to an outlying area or off the end of a route).

While minor service changes do not require a public comment process, all LOTS are strongly encouraged to include all minor service changes in their public comment process even if the changes do not fit into the "major service reduction" classification. The public and their elected officials generally want to know of any major service change, even if they are positive and result in more service.

Attachment 14.A provides an example of written policies and procedures for soliciting public comments on proposed transit service and fare changes.

Attachment 14.B provides a checklist of recommended steps to address the public notice requirements for fare and service changes.

Public Comment Period

LOTS are required to provide a 30-day public comment period for all fare changes and major service reductions, and all comments received must be considered before a final decision is made to implement the proposed changes. An opportunity for a public hearing or meeting must also be provided as part of the public comment period, and the public must be allowed at least three weeks to request the hearing or meeting.

The details of the proposed changes must be fully developed and available for public review at the onset of the public comment period. Notice of the fare or service change must be conspicuously posted in all affected passenger facilities, as well as vehicles operating the affected service. Details of the planned changes must be fully developed and available to the public at the onset of the 30-day notification period. Availability of details (e.g., online, print version in office, brochure) needs to be included in the announcements of the proposed change. Once the details of the proposed change are established, the LOTS can open the public comment period and must publicly announce the opportunity to comment upon the proposed changes.

If the LOTS intends to implement the changes immediately following the public comment period (i.e., this notice will also serve as the announcement of impending changes), the date the changes are planned to take effect must also be indicated in the announcement.

How to Announce the Proposed Change and Opportunity to Comment

The announcement for any fare change or major service reduction needs to include:

- Where to find the detailed proposal (for example, on your website, at your administrative offices, etc.),
- The arrangements for the public hearing (described below), and
- How to submit either electronic or written comments. (All comments must be accepted, recorded, or filed and considered.)

The announcement should be, at a minimum, published in a newspaper of major circulation in your community. A newspaper advertisement is required unless an alternate approach is approved in advance by MTA. LOTS wishing to pursue an outreach approach that does not include a paid advertisement must submit a written request to MTA outlining what they propose to do to notify the public of the opportunity to comment on the proposed fare changes or service reduction.

Other strongly recommended announcement strategies include news releases, public service announcements sent to the media, a prominent announcement on

your website, flyers on board your vehicles and at your passenger facilities, an agenda item for your advisory group, and emailed announcements to your customers, community partners and other stakeholders. When deciding how and where to announce a proposed change and opportunity to comment on it, you must make special efforts to reach out to low income populations, minorities, and individuals with limited English proficiency (LEP) to ensure that they are included in the process. LOTS requirements under Title VI are described below and in more detail in Chapter 13.

Public Hearing/Meeting

An opportunity for a public hearing or public meeting is required for any fare change or major service reduction. LOTS have the option of either:

- Conducting a public meeting or hearing without requiring a request, or
- Offering an **opportunity for a public meeting or hearing that is conducted only upon request**. Under this scenario, the LOTS would announce the opportunity for the hearing/meeting, including the tentative place and time, and the procedures and deadline for requesting the hearing/meeting. **The announcement must allow a window of at least three weeks to request the hearing/meeting**. If no requests are received by the deadline, the hearing/meeting can be cancelled.

The approach taken should be in accordance with the LOTS own locally adopted policy.

In either case, **the LOTS is required to publish notice of the public hearing/meeting (or opportunity to request one) at least 30 days in advance of the meeting date**.

The notice needs to include the following:

- Summary of the proposed changes,
- Where the details of the proposed changes are available for review,
- Time, date, and place for the public hearing,
- Procedures for submitting written or electronic public comment,
- Procedures for requesting special accessibility accommodations at the public hearing as well as of the written information, and
- If publishing an opportunity for a hearing upon request, instructions on how to request a hearing must be included in the notice.

Conducting the Public Hearing/Meeting

The public hearing must be held at a place and time generally convenient for individuals affected by the project. The facility should be located within your transit service area and should be held at a time that is served by your transit

services so that customers are able to get to and from the hearing using your transportation services.

The meeting must be held in a facility that is accessible to individuals who use wheelchairs.

Meeting communications must also be accessible to individuals with disabilities, including individuals with sight and hearing impairments. This means that a sign language interpreter must be provided upon request by a deaf individual, and any printed materials to be distributed must be prepared in appropriate accessible formats (such as large print, audiotape, or braille if feasible) if requested by an individual who is blind or has low vision. The published announcement should indicate that individuals requiring special accommodations indicate this at the time they request the hearing.

LOTS should follow local policies and procedures for protocol in conducting the meeting. Public entities and some private entities are subject to the Maryland Open Meetings Act requirements. Guidance on these requirements is found on the Maryland Attorney General website:

<http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx>

Consideration of Public Comments

Once the public comment period closes, the LOTS must consider the comments received before determining the final plan of action.

The LOTS is required to document any feedback received during the public review period which includes the public hearing or meeting and document how each comment was considered and addressed.

If, upon consideration of comments, the LOTS decides to pursue a different course of action than originally proposed, they may wish to provide further opportunity for public comment.

Documentation

A copy of the public notice publication, public hearing minutes, a list of attendees, copies of written statements submitted during the 30-day period, how comments were considered, and the final decision on how comments will be addressed must be documented and maintained on file as part of the grant records.

Summary Checklist of the Public Comment Process

As noted above, a detailed checklist of steps in the public notice process is provided in Attachment 14.B. The minimum timeline is outlined below for the required steps of the public notice requirements for fare and major service reductions or changes:

1. Develop proposal of specific changes to be implemented.
2. Day 1 - Notify public that material regarding changes is available for the public to review, where it is located, and details on any public meeting/hearing.
3. Days 1-30 - Accept written comments.
4. Day 30 - Hold public meeting/hearing if required and close the public comment period.
5. Day 30 (post hearing/meeting) - Make final decision on what changes will be implemented. This step must be documented in writing.
6. Day 30 - Announce to the public the results of public consultation process including, but not limited to, final decisions and implementation schedule.
7. Implement changes as appropriate.

Unless there is significant public comment received that necessitates further deliberation, the proposed change can go into effect 30 days from the date of the notice. However, since a final decision cannot be made until all public comments are considered (at the end of the 30 days), you may want to allow some additional time to inform the public of the change, make changes to your public information materials, and train drivers and staff.

OTHER PUBLIC NOTICE AND OUTREACH REQUIREMENTS FOR SPECIFIC COMPLIANCE AREAS

Americans with Disabilities Act

The ADA requires that information be made available in accessible formats (at least upon request by individuals with disabilities). LOTS requirements under the ADA are described in Chapter 12. Three areas of these requirements are of particular importance to LOTS public outreach efforts:

- Consulting with individuals with disabilities in developing and planning for changes to ADA complementary paratransit services and policies,
- Ensuring that public information materials are made available in formats which are accessible to individuals with disabilities, and
- Ensuring that all public participation activities in the planning process are accessible to individuals with disabilities.

Consultation with Individuals with Disabilities in Developing ADA Paratransit Services and Policies

ADA complementary paratransit services and policies must be developed in consultation with individuals with disabilities. Further, such consultation is required

when planning any changes to ADA paratransit services, policies, or plans. This includes changes to service characteristics and policies as well as eligibility determination procedures.

Accessible Formats

Adequate information concerning transportation services must be available in accessible formats upon request. This obligation under the ADA includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

Generally, large print, electronic and audio formats will meet the need for most individuals with vision disabilities. However, if there is a demand for braille format by blind members of your local community, you may also need to arrange for braille printing of some documents as well. Your print materials should indicate that accessible formats are available upon request.

Website Accessibility

Your website also needs to be accessible to people who use assistive technology, such as screen readers used by individuals who are blind or have low vision. Many transit systems rely on their websites as a way to provide important information to the public, as well as to meet public comment and notice requirements. If your website is inaccessible, individuals with vision disabilities will not be able to access the information through your website, and are in effect being subject to discrimination.

Website accessibility standards were developed by the U.S. Access Board. Often referred to as Section 508 standards (because they are mandated for Federal agencies under the Section 508 of the Rehabilitation Act), these standards can be found on the Access Board website at <http://www.access-board.gov/508.htm>.

Here are some resources and guidelines on Section 508 requirements:

- “Accessibility of State and Local Government Websites” published by the U.S. Department of Justice Civil Rights Division, online at: <http://www.ada.gov/websites2.htm>
- The Web Accessibility Initiative (WAI) of the World Wide Web Consortium (W3C) provides an introduction as well as detailed guidelines for website designers through: <http://www.w3.org/WAI/gettingstarted/Overview.html>
- Section 508 of the Rehabilitation Act requires access to electronic and information technology procured by Federal agencies. Although they are only required for Federal agencies, Section 508 guidelines developed by the U.S. Access Board can be a useful resource even at the local level. The Access Board guidelines (for which an update is currently underway) can be found at <http://www.access-board.gov/508.htm>. FTA posted a PowerPoint

presentation on creating Section 508 compliant documents on its site at: <https://www.transit.dot.gov/fta-web-policies/accessibility/508-compliance>

Accessible Telephone Communications

Ensure that deaf customers have telephone access to your agency by training all employees who interact with the public over the phone in using the Maryland Relay Service. If you receive a significant number of calls from deaf individuals, equipping your office with a TDD/TTY and training staff in its use is recommended. If you have a separate TDD/TTY line, be sure to include this telephone number on your printed materials.

Accessible Customer Information within the Service Environment

Informational accessibility requirements also apply to your bus stop and facility wayfinding signage (see Chapter 7) and fixed-route operations (stop announcement requirements are described in Chapter 12).

Accessible Public Participation

Public participation activities including public meetings must be accessible to individuals with disabilities. This includes both physical access of the facility and access to information before, during, and after the meeting. This means that a sign language interpreter must be provided upon request by a deaf individual, and any printed materials to be distributed must be prepared in appropriate accessible formats (such as large print, audiotape, or braille if feasible) if requested by an individual who is blind or has low vision. Meeting notices should include instructions for requesting special accommodations at the meeting (such as sign language interpretation).

In addition to being physically accessible, the meeting facility should be accessible via public transit (i.e., located on an accessible fixed-route or within the geographic area of demand-response service, conducted during transit hours of operation). If regular public transit is not available to the site, offering special service to those who need it in order to attend the meeting is strongly recommended. This is important not only for individuals with disabilities, but also for people who rely on public transit who may be covered under Title VI.

The following guidance resources may be helpful:

- “Coordinated Transportation Planning Information Brief: Requirements, Strategies, and Tools for Meaningful Engagement for Older Adults and People with Disabilities” Information Brief, National Aging and Disability Transportation Center - <http://www.nadtc.org/resources-publications/coordinated-transportation-planning-information-brief-requirements-strategies-and-tools-for-meaningful-engagement-for-older-adults-and-people-with-disabilities/>

- *Expanding Your Market: Accessible Information Exchange: Meeting on a Level Playing Field*, U.S. Dept. of Justice, provides guidelines for hosting meetings that are accessible to individuals with disabilities – <http://www.ada.gov/business/accessiblemtg.htm>
- *Expanding Your Market: Gathering Input from Customers with Disabilities*, U.S. Dept. of Justice, provides guidelines for accessible means for gathering customer feedback - <http://www.ada.gov/custinfo.htm>

Half Fare Notice

As described in Chapter 5, Maryland LOTS may charge no higher than one-half of the rates generally charged other passengers (i.e., the general public fare) for seniors, individuals with disabilities, and individuals with valid Medicare cards. This State requirement applies to fixed-route, route deviation, and commuter bus service, but does not apply to demand-response service or ADA paratransit service.

This reduced fare must be included with your fare policy wherever it is published or posted, including route and schedule brochures, fare brochures, and other public information related to fares.

Public Notice for the Program of Projects of the Annual Transportation Plan

As described in detail in Chapter 2, each jurisdiction that requests operating and capital assistance from MTA must hold a public hearing or have an opportunity for a public hearing (which must be conducted if requested) about their ATP/POP.

The public must be notified about the availability of the ATP/POP and provided with an opportunity to provide comment for a minimum of 30 days. If the opportunity for a public hearing approach is used, the notice must provide at least three weeks in which to request the hearing.

Title VI - Nondiscrimination

LOTS requirements under Title VI are described in Chapter 13. Three areas of these requirements are of particular importance to LOTS public outreach efforts:

- Notifying the public of the LOTS' obligations under Title VI,
- Ensuring that public participation activities in the planning process are nondiscriminatory, and
- Ensuring that individuals with limited English proficiency (LEP) have meaningful access to programs and activities.

For more information on Title VI program requirements specific to transit operations, see Chapter 13 and FTA Circular C 4702.1B, "Title VI Requirements and Guidelines for FTA Recipients" (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>).

Notification of Nondiscrimination in the Provision of Services

The public must be notified of their rights under Title VI as well as procedures for filing a complaint. The notice must include:

- A statement that the agency operates programs without regard to race, color, and national origin.
- A description of the procedures that one should follow to request additional information on the LOTS' nondiscrimination obligations.
- A description of the procedures that one should follow to file a discrimination complaint against the LOTS.

The FTA has provided the following guidance for complying with the above requirements:

- **Dissemination.** Agencies may inform the public of their rights under Title VI through such measures as posters, comment cards, or flyers placed at stations and in transit vehicles, as well as through the agency's website.
- **General notification.** Agencies may include a statement of nondiscrimination on the basis of race, color, and national origin as part of a broader statement of its commitment to nondiscriminatory service. This broader statement can also include a commitment to nondiscrimination on the basis of characteristics not covered by Title VI, such as age, gender, and disability.
- **Document translation.** Notices detailing the Title VI obligations and complaint procedures should be translated into languages other than English, as needed according to U.S. DOT LEP requirements. More information about LEP requirements is found below and in Chapter 13 as well as within this chapter.

Public Participation Activities in the Planning Process

Under Title VI, LOTS must also undertake steps to ensure that minority individuals have meaningful access to public outreach and involvement activities, including those conducted as part of the planning process (as described earlier in this chapter). Efforts to involve minority and low-income people in public involvement activities can include both comprehensive measures, such as placing public notices at transit facilities or bus stops and in all vehicles, and measures targeted to overcome linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and low-income people and populations from effectively participating in a recipient's decision-making process. Effective practices include:

- Coordinating with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Using locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
- Using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities, so that communications are tailored to the particular community or population.

Ensuring Meaningful Access to Programs and Activities by LEP Individuals

LOTS must ensure that LEP populations in their community are afforded meaningful access to programs and activities. This includes providing translations of vital documents, including brochures that provide information about transit services, policies, ADA paratransit services, etc. necessary to effectively utilize these services. Vital information provided through the organization's website, as well as by phone and email, should also be translated.

As outlined in Chapter 13, LOTS are required to develop an LEP implementation plan to address the identified needs of the LEP populations it serves. The Title VI-required nondiscrimination notification is vital information.

Title VI also includes ensuring the public participation activities are accessible to LEP populations. This means that public notices related to planning activities need to be translated into appropriate languages and published in newspapers read by the LEP populations in the LOTS service area, vital planning documents need to be translated, and translation needs to be made available if needed for public meetings and hearings. For some LEP populations, especially for planning efforts around services used by the particular population, the LOTS may wish to conduct public meetings specifically targeted at this population.

The following resources provide guidance and promising practices on engaging LEP populations in public participation activities:

- *How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision Making*, prepared by PBS&J for the Federal Highway Administration (2006) - http://www.fhwa.dot.gov/planning/publications/low_limited/index.cfm
- *Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP)*

Persons: A Handbook for Public Transportation Providers, prepared by the Federal Transit Administration Office of Civil Rights (2007) - http://www.sddot.com/services/civil/docs/LEP_Handbook.pdf

Equal Employment Opportunity Statement

All employment applications, recruitment brochures, advertising and employment correspondences should include the statement “(name of the LOTS) is an Equal Opportunity Employer” as well as an equal opportunity statement clause to the effect that they do not discriminate on the basis of race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or any other protected class. More information on EEO requirements is included in Chapter 13.

FREQUENTLY ASKED QUESTIONS

What is the difference between a public hearing and a public meeting?

A public hearing is a formal process for 1) providing the public with notice about a proposed plan or project, and 2) affording the public an opportunity to review and comment upon the proposal, with each comment received considered and addressed before the final plan or project is voted on by the decision-making board.

A public meeting can be more informal and interactive, and can be used to educate and consult with the public.

Public meetings are often used when a transit system is exploring several alternatives for consideration and wants feedback from the community before selecting the preferred alternative for further planning. In contrast, a public hearing is often a “last chance” opportunity to express an opinion on a plan which is already well-defined.

What are the protocol requirements for conducting public hearings?

The FTA requires grantees to adopt their own local policies and procedures for soliciting public comments, and follow these requirements in conducting their hearings. Public entities (and some private entities) are subject to the Maryland Open Meetings Act requirements. Guidance on these requirements is found on the Maryland Attorney General website at:

<http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx>.

Under what circumstances is a public hearing required?

Maryland LOTS are required to provide a public hearing, or an opportunity for a public hearing (and therefore the hearing if requested) prior to submitting their ATP.

LOTS are required to provide a public hearing or a public meeting, or an opportunity for one, prior to changing fares or implementing a major service reduction. Whether a

hearing or a meeting is required depends on the LOTS locally developed process to solicit comments regarding fare changes and major service reductions.

What are the requirements for announcing a public hearing?

Prior to submitting the ATP, the LOTS must publish a notice at least 30 days in advance of the date of the hearing in a newspaper of general circulation. This is required for the ATP, as well as part of the public comment process required for changing fares or reducing services, unless the LOTS has requested in writing and received approval from the MTA for an alternate approach.

If the community has a large minority of non-English speaking Individuals, the notice should also be published in a non-English publication following the LOTS' LEP plan, as also described in Chapter 13.

The announcement needs to include:

- The date, time, and location of the public hearing,
- Procedures for submitting written comments about the POP or proposed change,
- Procedures for requesting accessibility accommodations, and
- If you are publishing an opportunity for a hearing upon request, instructions to request a hearing, which must allow at least three weeks to submit the request.

In the case of a public hearing for a POP, the following additional items also need to be included in the announcement:

- Name of applicant,
- Area to be served,
- Proposed POP - Description of the proposed services and projects for which funding will be requested,
- Budget and financing information - Notice must identify specific dollar amounts of State and/or Federal funds for each project and clearly state that these funds are being applied for from the MTA and the FTA,
- An itemized list of all current capital requests, and
- Where the POP and budget are available for review.

What is considered “adequate public notice” for the public comment period?

At a minimum, an announcement must be published in a newspaper of major circulation in your community, unless an alternate approach is approved in advance by MTA.

Other strongly recommended announcement strategies include news releases, public service announcements sent to the media, a prominent announcement on your website, flyers on board your vehicles and at your passenger facilities, an agenda item for your advisory group, and emailed announcements to your customers, community partners, and other stakeholders, including media with targeted audiences identified in your Title VI and LEP analyses.

What steps should be taken to ensure that a public meeting or hearing is accessible to as many members of the community as possible?

Required:

- Choose a location which is accessible to individuals with disabilities, including those who use wheelchairs and other mobility devices.
- Make all printed information available in accessible formats (e.g., large print, audio, electronic, and/or braille) upon request.
- Arrange for ASL interpretation, assisted listening devices, or other accommodations at the meeting upon request.
- Ensure that LEP individuals are notified and are provided appropriate language assistance.

Recommended:

- Choose a location which is accessible using public transit (both by location and time).
- Offer alternative transportation for community members unable to get to the meeting using public transportation because of time or location.
- Hold the meeting at a time when people who use the affected services are likely to be able to attend. For example, if the service which transports people to and from weekday jobs will be affected, holding the meeting in the early evening (as opposed to earlier in the day) is less likely to conflict with the work hours of your affected customers.

How should public information and participation accommodate those members of the community with limited English proficiency (LEP)?

Significant LEP populations (as identified by the LOTS' LEP plan; see Chapter 13) should be notified of public outreach and participation opportunities, and be provided with language assistance measures as identified in the LEP plan.

- Notice of Opportunities to Participate – Announcements about public hearings and public meetings should be published in local news media targeted at the population groups identified in the LEP plan. For public participation in the

planning process, additional outreach to community organizations is recommended.

- Language Assistance Measures – Approaches to providing language assistance include arrangements with qualified community volunteers, telephonic and video conferencing interpretation services, translating vital documents posted on websites, interpreter and translator services (which could be consolidated with those needed by other organizations in your community to achieve economies of scale).

What is the suggested role of a consumer advisory committee or board?

A standing advisory committee or board of consumers can help the LOTS identify and address community concerns as they arise as well as in regard to specific planning projects. With adequate representation of the diversity of the local community, a consumer advisory group can play a significant role in sounding out proposed service or fare changes through the planning process, reaching out to different populations within the community, and identifying potential solutions to challenges. Members of the committee or board can also become advocates for the transit system in the community.

Consulting the consumer advisory committee is recommended when considering any service or fare changes as well as policy changes which could affect transit customers.

What are some meaningful approaches to engaging the public in the planning process?

- Community-based meetings hosted by community groups or organizations that work with different populations in the community
- Hosting an info table at a community resource fair or special event
- Brainstorming sessions
- Surveys (in person, online, telephone, written)
- Focus groups
- Working groups/advisory groups
- Public meetings/open houses
- “Pop-up” events at transfer centers, shopping centers, farmers markets, etc.
- Online dialogue
- Promoting public involvement activities via social media
- Involve school students (also engaging their teachers and parents)
- Increase attendance to meetings by providing food at meetings

Additional ideas and guidance can be found in these resources:

- *Public Participation Strategies for Transit*, TCRP Synthesis 89 - <http://www.tcrponline.org/PDFDocuments/tsyn89.pdf>

- *Community Tools to Improve Transportation Options for Veterans, Military Service Members, and Their Families*, TCRP Report 160, Chapter 4, Outreach: “Getting the Right People to the Table” - http://www.tcrponline.org/PDFDocuments/tcrp_rpt_164.pdf
- *Public Involvement Techniques for Transportation Decision-making* - http://www.fhwa.dot.gov/planning/public_involvement/publications/pi_techniques/
- “Social Media and Inclusive Transportation Planning,” TransitPlanning4All webinar slides - <http://web1.ctaa.org/webmodules/webarticles/articlefiles/socialmediainclusiveplanning.pdf>

Why is public outreach important?

As providers of community services funded with public dollars, the LOTS have a responsibility to:

- Educate the public about available services and programs,
- Involve the community in planning new services as well as planning changes to existing services and programs, and
- Inform the public of upcoming changes to services and programs.

Good faith efforts to educate, involve, and inform the public include reaching out to all members of the community who could benefit from the services, particularly members of the community who historically have been at a disadvantage in reaching the benefits. Such groups include:

- Low income individuals (who may have lower literacy rates and reduced access to information),
- People who are not fluent in English (e.g., immigrants from other nations), and
- Individuals with disabilities (who may have reduced access to information because of available formats).

These community members are also likely to be among the groups most dependent upon public transit services, and thus it is particularly important to keep them both informed, as well as engaged, in planning efforts.

What is the difference between public notice and public consultation?

Public outreach activities which public transportation providers need to conduct are intended to inform and educate the public, consult with the public, or both (as with the case of a public hearing or meeting).

- **Notification and Education** – The purpose of notification is to provide information to the public. Notification that service changes are impending, planning is underway, services are provided without discrimination, etc., can take such forms as a memo posted on the vehicle or distributed to customers, an advertisement in the paper, a public service announcement on the radio, a service advisory posted on the website, or a written letter to individual customers.

Education is a more in-depth form of notification about services and programs, and can include a ride guide of instructions on riding the bus, presentations to community groups, group travel training, and public meetings or open houses. The purpose of education is not only to provide information to the public, but also to help interested individuals better understand how to access your services and programs, or how planned service changes will affect their travel choices.

- **Consultation** – Outreach activities can also be used to request information from the public as part of planning service changes, use of funding, etc. Consultation can be conducted through surveys, focus groups, advisory committees, meetings with stakeholders, and public meetings in which participants are invited to provide suggestions and feedback.

The formal public comment period, required for proposed fare changes and major service reductions as described earlier in this chapter, is a form of consultation. Since public hearings are typically conducted near the end of the planning process, and if not solicited earlier, last-minute feedback could potentially result in surprises which delay implementation, earlier consultation activities are recommended, particularly for significant service changes or development of new service.

Table 14.1 indicates requirements and recommendations for notification/education and consultation, different types of planning activities, and other activities with a public notice requirement.

Table 14-1: SUMMARY OF PUBLIC OUTREACH REQUIREMENTS AND RECOMMENDATIONS

Activity with Public Outreach Component	Notification/Education	Consultation	Requires Public Hearing?
Annual Transportation Plan (ATP) (see Chapter 2 of this manual)	Required: <ul style="list-style-type: none"> Notify public of public hearing or opportunity for public hearing and intended funding request 	Required: <ul style="list-style-type: none"> Accept comments at hearing or in writing; address before submitting application 	Yes (or opportunity for one)
Fare changes and major service reductions	Recommended: <ul style="list-style-type: none"> Notify public that planning is under way Required: <ul style="list-style-type: none"> Follow locally-developed process Notify public of public hearing/meeting/opportunity and intended change Notify public of the details of the proposed changes at least 30 days prior to implementation 	Recommended: <ul style="list-style-type: none"> Invite suggestions early in the planning process Consult advisory group Required: <ul style="list-style-type: none"> Accept comments at hearing or in writing; address before implementation 	Yes (or meeting, or opportunity for either per local process)
Changes to ADA paratransit services, policies, and application process	Required: <ul style="list-style-type: none"> Notify public that planning is under way For notifying public of fare changes and service reductions if applicable, see above; follow locally-developed process If revising paratransit plan, notify public of public hearing opportunity 	Required: <ul style="list-style-type: none"> Consult with individuals with disabilities Ongoing mechanism for consultation for future changes 	For revised paratransit plan: yes; For fare change or service reduction, see above
Other service changes (expansions, new services, significant changes to routes or schedules)	Recommended: <ul style="list-style-type: none"> Notify public that planning is under way Notify public prior to implementation Required: <ul style="list-style-type: none"> Notify public of changes at least 30 days prior to implementation 	Recommended: <ul style="list-style-type: none"> Invite suggestions early in the planning process Consult advisory group 	No

ADDITIONAL RESOURCES**General**

- Guidance on Maryland Open Meetings Act requirements:
<http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx>
- *Public Participation Strategies for Transit*, TCRP Synthesis 89
<http://www.tcrponline.org/PDFDocuments/tsyn89.pdf>
- *Community Tools to Improve Transportation Options for Veterans, Military Service Members, and Their Families*, TCRP Report 160, Chapter 4, Outreach: “Getting the Right People to the Table”
http://www.tcrponline.org/PDFDocuments/tcrp_rpt_164.pdf
- *Public Involvement Techniques for Transportation Decision-making*
http://www.fhwa.dot.gov/planning/public_involvement/publications/pi_techniques/
- “Social Media and Inclusive Transportation Planning,” TransitPlanning4All webinar slides:
<http://web1.ctaa.org/webmodules/webarticles/articlefiles/socialmediainclusiveplanning.pdf>

Engaging Specific Populations

- *How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision Making*, prepared by PBS&J for the Federal Highway Administration (2006) -
http://www.fhwa.dot.gov/planning/publications/low_limited/index.cfm
- *Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers*, FTA (2007) -
http://www.sddot.com/services/civil/docs/LEP_Handbook.pdf
- “Coordinated Transportation Planning Information Brief: Requirements, Strategies, and Tools for Meaningful Engagement for Older Adults and People with Disabilities” Information Brief, National Aging and Disability Transportation Center - <http://www.nadtc.org/resources-publications/coordinated-transportation-planning-information-brief-requirements-strategies-and-tools-for-meaningful-engagement-for-older-adults-and-people-with-disabilities/>
- *Expanding Your Market: Accessible Information Exchange: Meeting on a Level Playing Field*, US DOJ: <http://www.ada.gov/business/accessiblemtg.htm>

- *Expanding Your Market: Gathering Input from Customers with Disabilities*, US DOJ: <http://www.ada.gov/custinfo.htm>
- *Community Tools to Improve Transportation Options for Veterans, Military Service Members, and Their Families*, TCRP Report 160, Chapter 4, Outreach: “Getting the Right People to the Table”:
http://www.tcrponline.org/PDFDocuments/tcrp_rpt_164.pdf

Website Accessibility

- “Accessibility of State and Local Government Websites,” US DOJ: <http://www.ada.gov/websites2.htm>
- The Web Accessibility Initiative (WAI): <http://www.w3.org/WAI/gettingstarted/Overview.html>
- Section 508 guidelines, US Access Board: <http://www.access-board.gov/508.htm>
- FTA training on creating Section 508-compliant documents: <https://www.transit.dot.gov/fta-web-policies/accessibility/508-compliance>

CHAPTER 14: SUMMARY CHECKLIST

- ❑ LOTS public outreach activities should educate the community as well as engage community participation in planning service changes.
- ❑ A formal public hearing (or an offer to provide one upon request) is required as part of the LOTS grant application (ATP) process as well as before changing a fare or carrying out a major service reduction.
- ❑ The public must be notified of their rights under Title VI as well as procedures for filing a complaint.
- ❑ Under Title VI, LOTS must also undertake steps to ensure that low income and minority individuals have meaningful access to public outreach and involvement activities, including those conducted as part of the planning process (as described in this chapter).
- ❑ LOTS must ensure that LEP populations in their community are afforded meaningful access to programs and activities.
- ❑ The reduced fare for seniors, individuals with disabilities, and Medicare cardholders must be included with your fare policy wherever it is published or posted, including route and schedule brochures, fare brochures, and other public information related to fares.
- ❑ Maryland LOTS must have a locally developed process to solicit and consider public comment before changing a fare or carrying out a major reduction of transportation. This should include a written policy that describes the public comment process on changes in the basic fare structure and on major service reductions.
- ❑ All employment applications, recruitment brochures, advertising and employment correspondences should include the statement “_(name of the LOTS)_ is an Equal Opportunity Employer” as well as an equal opportunity statement clause to the effect that they do not discriminate on the basis of race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class.
- ❑ LOTS must hold a public hearing or have an opportunity for a public hearing (which must be conducted if requested) about their ATP/POP.
- ❑ Public transit providers must notify customers and MTA in writing at least 30 days in advance of changing service (including changes in routes, schedules, service times, and bus stop locations) or fares.

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INTERCITY BUS PROGRAM REQUIREMENTS

Although Section 5311(f) is a program within the FTA Section 5311 program, subrecipients that only receive Section 5311(f) funds, and no other funds from the FTA, have a different set of requirements from other LOTS. Many of the requirements for the LOTS programs, as detailed in Chapters 2 through 14, also apply to private operator subrecipients of Section 5311(f) Intercity Bus Program funds in Maryland. However, there are some notable exceptions.

This chapter indicates which LOTS requirements apply to Section 5311(f) Intercity Bus Program subrecipients and which do not apply, and details additional requirements that are unique to Maryland's Section 5311(f) Intercity Bus Program.

This chapter is organized into the following major sections:

- *Outline of LOTS program requirements and when they apply to the Section 5311(f) Intercity Bus Program*
- *Requirements that are specific to the Section 5311(f) Intercity Bus Program*
- *Additional Resources*

APPLICABILITY OF LOTS REQUIREMENTS TO SECTION 5311(f) PROJECTS

Table 15-1 summarizes which Maryland LOTS requirements apply to Section 5311(f) Intercity Bus Projects, and which do not.

Table 15-1: Applicability of LOTS Requirements to Section 5311(f) Projects

Ch	Name of Requirement	Applicability to Section 5311(f) Intercity Bus Program Private Operator Subrecipients
1	Compliance Monitoring	5311(f) subrecipients will be subject to MTA compliance reviews. 5311(f) subrecipients that subcontract any portion of their 5311(f) services are responsible for ensuring that their contractors comply with all applicable program requirements, including monitoring.

Table 15-1: Applicability of LOTS Requirements to Section 5311(f) Projects

Ch	Name of Requirement	Applicability to Section 5311(f) Intercity Bus Program Private Operator Subrecipients
2	Transportation Development Plan (TDP)	5311(f) subrecipients are not required to develop a TDP. However, their services should be included in the TDPs of the Maryland jurisdictions in which they operate, the 5311(f)-funded services should be specifically identified, and the subrecipient should be involved in the TDP planning process.
2	Local Coordinated Human Service Transportation Planning	The services that 5311(f) subrecipients operate should be included in the regional coordinated public transit-human service transportation plan for each region they serve, and the 5311(f)-funded services should be specifically identified. 5311(f) subrecipients should also be involved in the coordinated planning process.
2	Ongoing Participation in Local and Regional Transportation Planning	5311(f) subrecipients serving a metropolitan area should be included by the Metropolitan Planning Organization (MPO) in the metropolitan planning process. MPOs are required to provide opportunities for private providers to be involved in the planning process.
2	Inclusion in the TIP/STIP	Applies to 5311(f) projects.
2	Annual Transportation Plan (ATP)	Does not apply to 5311(f); a different application package is used.
2	Transit Asset Management (TAM) Planning	Does not apply to 5311(f). The FTA TAM rule applies to public transportation assets used to provide public transportation. The FTA definition of “public transportation” under 49 U.S.C. 5302 specifically excludes intercity bus.
2	Planning for Specific Service Changes – MTA Notification	Applies to 5311(f)-funded services.
2	Planning for Specific Service Changes – Public Comment and Notice Regarding Service and Fare Changes	Applies to 5311(f)-funded services. Additionally, private 5311(f) subrecipients are subject to Public Service Commission requirements for fare and service changes.
2	Title VI of the Civil Rights Act of 1964	Applies in general. See Chapter 13 for detailed requirements.
2	Amendments to the Grant Agreement	Applies.
2	Planning Requirements Pertaining to ITS Projects	Applies if ITS is part of the 5311(f) project.
3	Accounting and Recordkeeping	Applies. In addition, new 5311(f) subrecipients are required to undergo a pre-award audit.
3	Budget Development	Applies, but using budget forms specific to 5311(f) application.
3	Cost Allocation	Applies. 5311(f) subrecipient must document allocation of operating costs specific to the 5311(f)-funded service. MTA must approve this allocation plan.

Table 15-1: Applicability of LOTS Requirements to Section 5311(f) Projects

Ch	Name of Requirement	Applicability to Section 5311(f) Intercity Bus Program Private Operator Subrecipients
3	Local Match	Applies in general. However, 5311(f) projects can also use the unsubsidized segment of connecting intercity bus service as an in-kind match under the 5311(f) program (explained in this chapter).
3	Non-Fare Revenue Requirements	Applies to the extent that non-fare revenues are derived from a 5311(f)-funded project.
3	Force Account Plan	Applies , but unlikely to be triggered by a 5311(f) project.
3	Reimbursement Process	Applies.
3	Reporting Requirements	Applies , but S.5311(f) projects have reduced reporting requirements (explained in this chapter).
3	Budget Monitoring and Adjustments	Applies.
3	Performance Monitoring	Does not apply. However, S.5311(f) projects are subject to program-specific farebox recovery targets (described later in this chapter).
3	Audits	Applies.
3	Grant Closeout	Applies.
4	General Procurement Requirements	Applies to items and services procured for 5311(f)-funded service.
4	Federal & State Competitive Procurement Practices	Applies to items and services procured for 5311(f)-funded service.
4	Alternative Approaches	Applies to items and services procured for 5311(f)-funded service.
4	Providing for Full and Open Competition	Applies to items and services procured for 5311(f)-funded service.
4	Requirements Pertaining to Vehicle and Equipment Purchases	Applies to items and services procured for 5311(f)-funded service.
4	Requirements Pertaining to Other Types of Purchases	Applies to items and services procured for 5311(f)-funded service.
4	Requirements Pertaining to Revenue Contracts	Applies to revenue contracts procured for 5311(f)-funded service.
4	Disadvantaged Business Enterprise	Applies to items and services procured for 5311(f)-funded service. See Chapter 13 for detailed requirements.
4	Contract Management	Applies to items and services procured for 5311(f)-funded service.
5	Requirements Associated with Changing Your Fares	Applies to 5311(f)-funded services. Additionally, private 5311(f) subrecipients are subject to Public Service Commission requirements for fare and service changes.
5	Half Fare for Certain Populations	Does not apply.
6	Requirements Related to Marketing and Community Relations	Applies to 5311(f)-funded services. Additional requirements for schedule publication are described in this chapter.

Table 15-1: Applicability of LOTS Requirements to Section 5311(f) Projects

Ch	Name of Requirement	Applicability to Section 5311(f) Intercity Bus Program Private Operator Subrecipients
7	General Requirements for Existing Facilities	Applies to 5311(f)-funded facilities.
7	Planning for a New Facility	Applies to 5311(f)-funded facilities.
7	Design, Engineering, and Construction	Applies to 5311(f)-funded facilities.
7	Bus Stops	Applies.
8	Personnel Policies for Employees Required to Have Commercial Driver's Licenses (CDLs) and Other Drivers	Applies.
8	General Personnel Policies	Applies.
8	Drug-Free Workplace	Applies only to 5311(f) subrecipients for which FTA financial assistance supports most of their operations.
8	Federal Drug and Alcohol Testing Regulations	FTA requirements apply to 5311(f) subrecipients for which FTA financial assistance supports most of their operations. Other 5311(f) subrecipients are subject to FMCSA regulations.
8	Collective Bargaining Protections	Applies.
9	Operating Permits and Authority Related to Commercial Vehicles	Applies.
9	Charter Service Restrictions	Applies.
9	School Bus Operations	Applies.
10	Vehicle and Equipment Inventory Records	Applies to 5311(f)-funded vehicles and equipment.
10	Maryland Public Service Commission (PSC) Requirements	Applies.
10	Maryland Preventive Maintenance (PM) Program	Applies.
10	Motor Carrier Vehicle Requirements	Applies.
10	Outsourcing Maintenance and Repairs	Applies to 5311(f)-funded vehicles and equipment, and other vehicles used to operate 5311(f)-funded service.
10	Providing Maintenance with In-House Personnel	Applies to 5311(f)-funded services.
10	Elements of an Effective Maintenance Program	Applies to 5311(f)-funded vehicles and other vehicles used to operate 5311(f)-funded service.
10	Vehicle Useful Life and Replacement Standards	Applies to 5311(f)-funded vehicles.
10	Property and Equipment Disposition	Applies to 5311(f)-funded vehicles and equipment.

Table 15-1: Applicability of LOTS Requirements to Section 5311(f) Projects

Ch	Name of Requirement	Applicability to Section 5311(f) Intercity Bus Program Private Operator Subrecipients
11	Safety and Security Program Requirements	Applies to 5311(f)-funded services and vehicles.
11	Distracted Driving/Cell Phone/Portable Electronic Device Policy	Applies.
11	Reporting Accidents and Incidents to MTA	Applies to 5311(f)-funded services and vehicles.
11	Reporting and Disposing of Hazardous Waste	Applies.
11	Security 1% Rule	Applies.
11	Minimum Insurance Levels	Applies.
12	ADA - Documentation of Compliance	Applies.
12	ADA - Vehicles	Applies to 5311(f)-funded services and vehicles.
12	ADA - General Service Requirements	Applies.
12	ADA - Fixed-Route Service Requirements	Applies.
12	Complementary Paratransit Requirements	Does not apply. Intercity bus transportation is specifically excluded from the FTA definition of “public transportation” under 49 U.S.C. 5302.
12	ADA - Employment Practices	Applies.
12	ADA - Facilities Accessibility	Applies.
13	Title VI Requirements for All LOTS - General Requirements	Applies.
13	Title VI - Additional Requirements for LOTS that Operate Fixed Route Services	Applies.
13	Additional Requirements for LOTS in Areas with 200,000 or More Populations Operating at Least 50 Fixed Route Vehicles in Peak Service	Applies.
13	Federal Requirements Regarding Providing Meaningful Access to those with Limited English Proficiency (LEP)	Applies.
13	Federal Environmental Justice Requirements (All Construction Projects)	Applies to 5311(f)-funded facilities.
13	Equal Employment Opportunity (EEO)	Applies.
13	Disadvantaged Business Enterprise (DBE)	Applies to 5311(f)-funded procurements.
13	Emergency Preparedness and Civil Rights	Applies.

Table 15-1: Applicability of LOTS Requirements to Section 5311(f) Projects

Ch	Name of Requirement	Applicability to Section 5311(f) Intercity Bus Program Private Operator Subrecipients
14	Minimum Requirements for LOTS Public Outreach When Changing Fares or Services	Applies to 5311(f)-funded services.
14	ADA - Accessible Formats	Applies.
14	Half-Fare Notice	Does not apply.
14	Title VI	Applies.

SECTION 5311(f) INTERCITY BUS PROGRAM-SPECIFIC REQUIREMENTS

Projects Linked to Service along Specific Corridors

Based on the need for intercity transit identified in MTA’s statewide intercity bus assessment, the MTA Intercity Bus Program prioritizes the sponsorship of intercity bus services in the following corridors:

- Morgantown, WV/Grantsville, MD to Baltimore (via I-68 and I-70); however, the MTA Intercity Bus Program will also consider service from western Maryland to the Maryland suburbs of the Washington, D.C. metro area,
- Salisbury to Baltimore, via US-50, and
- Elkton to Baltimore, via US-40 and connecting rural portions of Cecil County.

Other corridors or “feeder service” may also be funded under Maryland’s Section 5311(f) Program.

Section 5311(f) subrecipients must use their grant funding to serve the specific corridor for which their grant was awarded.

Service Schedules

Section 5311(f)-funded services must be designed to provide for a meaningful connection with the national intercity bus network, including service to connecting points at times when passengers may make convenient connections. The basic service requirements for these corridors include one daily (Monday through Sunday) round-trip connecting with the national intercity bus network.

Services must be scheduled fixed-route services (other than feeder services) open to the general public. Feeder services may be demand-response services.

Publishing and Interlining Service Schedules

Section 5311(f)-funded service schedules should be published in Russell's Motor Coach Guide (<http://russellsguides.com/>) and registered in Google Transit through their website: <http://www.google.com/transit>.

It is strongly encouraged that Section 5311(f) subrecipients enter into an Interline agreement with a carrier member of the National Bus Traffic Association (NBTA) at <http://bustraffic.org/index.aspx>, which is the revenue clearinghouse for member carriers allowing them to share revenue on tickets that include transportation on one or more carriers. Greyhound supports the development of Section 5311(f) projects that connect to its services. The Greyhound Rural Feeder Service Handbook (<http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/5311/5311f-Greyghnd-Fdr.pdf>) is a somewhat outdated overview of its programs, but current information can be obtained by contacting:

Greyhound Lines State and Local Programs
Randy Isaacs (615-338-0847) or
Stephanie Gonterman (972-239-4401)

If interlining with Greyhound Lines, Inc., there are a number of requirements including a Bus Terminal License which is required to allow the applicant access to a Greyhound Lines, Inc. facility.

In-Kind Match for Intercity Bus

See Chapter 3 for information on local match requirements on an operating project.

In addition to the local match options described in Chapter 3, operating assistance projects under the 5311(f) Intercity Bus Program may be eligible for participation in the "In-Kind Match for Intercity Bus" program as detailed on pages VIII-4 through VIII-5 of the FTA circular 9040.1G. It allows for an expanded project definition for rural intercity operating projects that includes both the subsidized segment of a route and a connecting unsubsidized segment of intercity bus service. Under this funding arrangement, the local match "may be derived from the costs of a private operator for the unsubsidized segment of intercity bus service as an in-kind match for the operating costs of connecting rural intercity bus feeder service funded under 5311(f)." Through careful planning of routes and schedules this funding arrangement may allow for the use of Federal funds to cover the entire operating deficit of the subsidized segment. The carrier providing the value of in-kind connecting services must agree in writing to participation in the project, providing details on the connecting service and its in-kind value.

If a subrecipient is interested in utilizing this in-kind funding method, they should contact MTA directly for guidance.

Reporting Requirements

Subrecipients are required to submit, at least, quarterly report information, using Attachment 15.A, documenting expenses by cost category, revenues by source, passenger trips, days of operation, total miles, the calculated performance measures of farebox recovery and subsidy per passenger for the route. Additionally, ridership by stop must be reported using the form in Attachment 15.B.

Subrecipients are also required to report 5311(f) Intercity Bus Program activities annually to the National Transit Database (NTD) - <https://www.transit.dot.gov/ntd>) using reduced reporting forms for Rural Intercity Bus subrecipients. The reporting period is from July to June, with the report due to the MTA by September. Items to include are:

- Bus vehicle revenue miles,
- Bus unlinked passenger trips,
- 5311 grants for planning and capital expenses, and
- 5311 grants for operating and provision of trips.

Performance Targets

Section 5311(f) projects are expected to attain at least 15 percent farebox recovery. If this target cannot be reached, the MTA will work with the subrecipient to achieve this target.

MTA will periodically evaluate a route's effectiveness, and make decisions on the continued funding eligibility based on operational performance trends and continued funding availability. MTA intends that projects will be reviewed considering the following farebox recovery targets: five percent after six months of operations; ten percent after 12 months of operations; and 15 percent after 18 months of operations.

Compliance with FMCSA Regulations

Subrecipients crossing State lines are required to be in compliance with Federal Motor Carrier Safety Administration (FMCSA) regulations, as summarized in Chapters 8, 10, and 11. Also, providers of intrastate service that interline with services to provide interstate trips must meet FMCSA regulations.

ADDITIONAL RESOURCES

- FTA Circular 9040.1G 8100.1C, “Formula Grants for Rural Areas: Program Guidance and Application Instructions,” particularly Chapter VIII - <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/formula-grants-rural-areas-program-guidance-and-application>
- MTA Intercity Bus Program - Federal Transit Administration 49 U.S.C. 5311(f) - Program Overview and Application Package - <http://taminc.org/Office-of-Local-Transit-Support/Intercity-Bus-Information>
- Maryland Intercity Bus Study (2009) - [http://taminc.org/Portals/35/Maryland Intercity Bus Study reduced revised.pdf](http://taminc.org/Portals/35/Maryland%20Intercity%20Bus%20Study%20reduced%20revised.pdf)
- Federal Motor Carrier Safety Administration - <https://www.fmcsa.dot.gov/>

CHAPTER 15: SUMMARY CHECKLIST

- ❑ Comply with requirements outlined in other chapters of this manual, to the extent that they apply to Section 5311(f) subrecipients as summarized in Table 15-1.
- ❑ Use Section 5311(f) funds to operate only those services for which the grant was awarded.
- ❑ Publish Section 5311(f)-funded service schedules in Russell's Motor Coach Guide.
- ❑ Register Section 5311(f)-funded service schedules in Google Transit.
- ❑ Enter into an Interline agreement with a carrier member of the National Bus Traffic Association (*strongly encouraged*).
- ❑ Contact MTA if interested in using the in-kind local match approach.
- ❑ Submit quarterly reports to MTA using the forms in Attachments 15.A and 15.B.
- ❑ Submit annual National Transit Database reports to MTA.
- ❑ Strive to attain at least 15 percent farebox recovery after 18 months of operation.
- ❑ Comply with Federal Motor Carrier Safety Administration regulations as described in other chapters in this manual.

Appendix A: The Annual Certifications and Assurances: What Do They Mean?

(Based on FTA Fiscal Year 2018 Certifications and Assurances)

The assurances and certifications that you sign with your annual MTA LOTS grant application and grant agreement confirm your organization's commitment to complying with a host of Federal and State regulations and requirements. This appendix summarizes each certification and assurance in plain (or at least less legalese) English. Note that FTA typically updates the certifications and assurances that apply to FTA grants each year. This appendix is based on the FY 2018 version. Also, this appendix doesn't attempt to cover details. You and your organization's attorney should review the actual certifications and assurance each year before signing.

CATEGORY 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT

01.A. Certifications and Assurances of Authority of the Applicant and Its Authorized Representative

This section affirms that you and your organization's attorney are legally authorized to represent the organization, sign the application and various binding agreements that come with the grant, and comply with the applicable law, regulations and requirements that come with the grant.

01.B. Standard Assurances

This section affirms that you understand what you are signing and agree to comply with the applicable law, regulations and requirements that come with the grant, you understand that Federal requirements may change, and you agree to comply with the most recent requirements.

01.C. Intergovernmental Review Assurance

This section affirms that you are submitting the application to the appropriate state and local agencies for intergovernmental review. For the LOTS, this means you are submitting your application to the MTA. MTA then submits the application to other organizations that may need to review them (for example, from LOTS in urbanized areas, to the applicable metropolitan planning organization).

01.D. Nondiscrimination Assurance

This section affirms that your organization will not discriminate on the basis of race, color, national origin, religion, sex (including gender identity and sexual orientation), disability, or age. Your organization will comply with Title VI, EEO, ADA, and other Federal nondiscrimination laws, regulations, requirements and guidance. This assurance applies to your organization's services and programs, employment practices, facilities, vehicles, and contracts and other third-party agreements.

01.E. Procurement Certification

This section affirms that your organization has adequate resources to successfully comply with Federal laws, regulations, and requirements applicable to FTA procurements.

01.F. Suspension and Debarment, Tax Liability, and Felony Convictions Certifications

01.F.1 Suspension and Debarment

This section certifies that you, your organization, your organization's principals, and any subrecipients have not been disqualified from participating in a Federally-funded project, and you will not use Federal funds to contract with an individual organization that has been disqualified. Disqualification includes being debarred, suspended, and other actions which may be the consequence of committing fraud or other criminal offense.

01.F.2. Tax Liability

This section certifies that your organization (and any subrecipients) is not in arrears in paying Federal taxes.

01.F.3. Felony Convictions

This section certifies that your organization (and any subrecipients) has not been convicted of a felony criminal violation within the past two years.

01.G. U.S. OMB Assurances in SF-424B and SF-424D

This section affirms that your organization has adequate resources to successfully carry out the project that will be funded under the grant. In addition to having the legal authority, your organization has the competence and capacity necessary to manage and complete the project in a timely manner, adequate cash flow (including local match), and a proper accounting system. Your organization will prevent personal and organizational conflicts of interest. You will submit reports and other information required by MTA or FTA. If it is a construction project, your organization will comply with a host of requirements specific to these types of projects. For all projects, you agree to comply with the numerous Federal requirements that are listed on pages 9-13 of the FY 2018 Certifications and Assurances. Some of these (such as those regarding nondiscrimination) appear elsewhere in the certifications and assurances, but many others only appear here. Some are relevant to public transportation projects and others are not likely to be, or are only relevant to construction projects. The assurance to conduct a Federally-compliant audit is also included in this section.

CATEGORY 02. LOBBYING

If your grant will exceed \$100,000, you must certify that no Federal funds have been or will be used to attempt to influence a Federal employee or member of Congress regarding a Federal funding award (i.e., to pay a lobbyist). If your organization (or its principals or subrecipients) uses non-Federal money for lobbying purposes, you must disclose this by submitting a special form for this purpose. You affirm that your organization will include this certification language in

any third-party agreement involving Federal funds, and understands that there are financial penalties for failing to submit required certifications under this section.

CATEGORY 03. PRIVATE SECTOR PROTECTIONS

The three assurances in this category affirm that FTA funding will not be used to compete with private sector transportation providers.

03.A. Private Property Protections

This section applies to LOTS that are local governments. It essentially affirms that your grant will not be used to compete with or replace a private provider's existing public transportation service without just compensation, and that your organization will make an effort to work with private providers. The private sector notification letters you send out as part of the ATP process are part of complying with this requirement.

More specifically, it affirms that your organization has determined that the Federal funding request is essential to conducting the projects to be funded, and that it has involved (or will involve), to the maximum extent feasible, the participation of private companies that provide public transportation. It also certified that these actions were or will be completed before operating public transportation that compete with, or in addition to, an existing public transportation operator. Further, if your organization acquires a private provider's property (or interest in their property) you will first pay them just compensation.

03.B. Charter Service Agreement

This section affirms that your organization and any third party participant (i.e., your contractor or grant subrecipient) complies with FTA Charter Service regulations, which are described in detail in Chapter 9 of the LOTS Manual. It also affirms that your agreement that if your organization or your third party participant violate these regulation, FTA impose corrective measures that could include barring your organization from receiving FTA assistance or withholding assistance.

03.C. School Bus Agreement.

This section affirms that your organization and any third party participant (i.e., your contractor or grant subrecipient) complies with FTA School Bus regulations, which are described in detail in Chapter 9 of the LOTS Manual. It also affirms that your agreement that if your organization or your third party participant violate these regulation, FTA impose corrective measures that could include barring your organization from receiving FTA assistance.

CATEGORY 04. ROLLING STOCK REVIEWS AND BUS TESTING

04.A. Rolling Stock Reviews

This section certifies that when buying vehicles, your organization complies with the Pre-Award and Post-Delivery Audit requirements which are described in Chapter 4 of the LOTS Manual. Compliance with these requirements helps ensure that the vehicles you purchase meet your specifications, Federal safety standards, and Buy America requirements.

04.B. Bus Testing

This section certifies that when buying new buses, your organization will make sure the bus has been tested at FTA's bus testing facility and meets FTA's performance standards for safety, reliability, fuel economy, and other criteria.

CATEGORY 05. DEMAND RESPONSIVE SERVICE

This section certifies that, if your organization is applying for funding for a vehicle that is not wheelchair-accessible to operate in demand-responsive service, your organization does not provide a lower level of service to people with disabilities. Your organization's demand responsive services have the same availability and cost to people with disabilities as to people without disabilities, and people who use wheelchairs do not experience more limited service. (If they do, you should be acquiring accessible vehicles until service levels are equivalent.)

CATEGORY 06. INTELLIGENT TRANSPORTATION SYSTEMS

This section certifies that, if your organization is applying for funding for an Intelligent Transportation System (ITS) project (including such things as real-time transit information technology and mobile data terminals), the project will conform to the ITS architecture requirements established for your region. This requirement is explained in Chapter 2 of the LOTS Manual.

CATEGORY 07. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE

This section applies only to Section 5307 Urbanized Area grants and other grants subject to Section 5307 program requirements.

07.A. Interest and Financing Costs

This section certifies that, if your organization needs financing for a project, it will try to obtain the most favorable financing terms (and document this) and will only seek reimbursement for interest or other financing costs when they are eligible for federal assistance.

07.B. Acquisition of Capital Assets by Lease

This section certifies that, if your organization seeks to federal funds lease a facility or other non-vehicle capital asset, it will only do so if it can afford to cover the entire lease if federal assistance is not available.

CATEGORY 08. TRANSIT ASSET MANAGEMENT PLAN, PUBLIC TRANSPORTATION AGENCY SAFETY PLAN, AND STATE SAFETY OVERSIGHT REQUIREMENTS

08.A. Transit Asset Management Plan

This section certifies that your organization will comply with FTA Transit Asset Management requirements, which are described in Chapter 2 of the LOTS Manual.

08.B. Public Transportation Safety Program

This section certifies that your organization will comply with FTA Public Transportation Safety Program requirements, which at the time of publication were still being developed, and are introduced in Chapter 11 of the LOTS Manual.

08.C. State Safety Oversight Requirements

This section only applies to rail services. Applicants with rail services agree that FTA regulations regarding safety oversight apply, with differences depending on whether or not the State's Safety Oversight Program meets FTA requirements.

CATEGORY 09. ALCOHOL AND CONTROLLED SUBSTANCES TESTING

This section certifies that your organization will meet its obligations to comply with FTA drug and alcohol testing requirements. Organizations located in states in which marijuana use is legal must still test for this substance and follow Federal requirements.

CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS PROGRAM (NEW STARTS, SMALL STARTS, AND CORE CAPACITY IMPROVEMENT)

This section does not apply LOTS grants; it only applies for funding under the post-FAST Act Section 5309 program. It certifies that you your organization has the authority and capability to complete the project and meet Federal requirements related to safety, security, control over use of equipment and facilities, transit asset management, and planning.

CATEGORY 11. STATE OF GOOD REPAIR PROGRAM

This section applies only to grants funded under the Section 5337 State of Good Repair program. It certifies that you your organization has the authority and capability to complete the project and meet Federal requirements related to safety, security, control over use of equipment and facilities, transit asset management, and planning.

CATEGORY 12. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS

12.A. Grants for Buses and Bus Facilities Program

This section applies only to grants funded under the post-FAST-Act Section 5339 Bus and Bus Facilities program, which is subject to the same requirements as the Section 5307 program for organizations in urbanized areas and Section 5311 for organizations in rural areas.

If your organization is in an urbanized area, you are certifying that it has the authority and capability to complete the project and meet Federal requirements. These include requirements related to safety, security, control over use of equipment and facilities, transit asset management, reduced fares for seniors, individuals with disabilities, and Medicare cardholders, procurement, local match, planning, and public comment before raising fares or significantly reducing services.

If your organization is in a rural area, you are certifying that it has the authority and capability to complete the project and meet Federal requirements. These include requirements related to safety, security, control over use of equipment and facilities, transit asset management, fair distribution of funds across the state, coordination of public transportation with other Federally-funded transportation services, planning, local match, and transferring facilities or equipment to other eligible grantees.

12.B. Low or No Emission Vehicle Deployment

This section applies only to grants funded under the former (pre-FAST-Act) Section 5312 Low or No Emission Vehicle Development Program. It certifies that your organization has the authority and capability to complete the project and meet Federal requirements. These include requirements related to safety, security, control over use of equipment and facilities, transit asset management, reduced fares for seniors, individuals with disabilities, and Medicare cardholders, procurement, public notice about the proposed program of projects, local match, planning, and public comment before raising fares or significantly reducing services.

CATEGORY 13. URBANIZED AREA FORMULA GRANTS PROGRAMS AND PASSENGER FERRY GRANT PROGRAM

13.A. Urbanized Area Formula Grants Program under the FAST Act

This section applies only to grants funded under the Section 5307 program. It certifies that your organization has the authority and capability to complete the project and meet Federal requirements under this program. These include requirements related to safety, security (including spending 1% of the funding on security projects), control over use of equipment and facilities, transit asset management, reduced fares for seniors, individuals with disabilities, and Medicare cardholders, procurement, public notice about the proposed program of projects, local match, planning, and public comment before raising fares or significantly reducing services.

13.B. Passenger Ferry Grant Program

This section applies only to grants funded under the Section 5307(f) Passenger Ferry Grant Program. It certifies that your organization has the authority and capability to complete the project and meet Federal requirements. These include requirements related to safety, security, control over use of equipment and facilities, transit asset management, reduced fares for seniors, individuals with disabilities, and Medicare cardholders, procurement, local match, planning, and public comment before raising fares or significantly reducing services.

CATEGORY 14. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS

This section applies only to grants funded under the Section 5310 Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. It certifies that your organization is a private nonprofit organization or a state or local government authority approved by the state or is in an area with no private nonprofits readily available to provide transportation services for seniors and people with disabilities. It also certifies that the project, which assists in providing transportation services to seniors and individuals with disabilities, is included in a locally-developed, coordinated public transit-human service transportation plan developed through a collaborative process, and will be coordinated to the maximum extent feasible with other Federally-funded transportation services. If awarding funds to subrecipients, you will fairly and equitably distribute assistance, with at least 55% used for capital projects, and you will not transfer 5310-funded facilities or equipment unless the original subrecipient consents and the facility or equipment will still be used to provide transportation services for seniors and people with disabilities. This section also certifies that your organization (and its subrecipients if appropriate) has the authority and capability to complete the project and meet Federal requirements. These include requirements related to safety, security, control over use of equipment and facilities, transit asset management, local match, and planning.

CATEGORY 15. RURAL AREAS AND APPALACHIAN DEVELOPMENT PROGRAMS

15.A. Formula Grants for Rural Areas Program

This section applies only to grants funded under the Section 5311 Formula Grants for Rural Areas Program. It certifies that your organization has the authority and capability to complete the project and meet Federal requirements. These include requirements related to safety, security, control over use of equipment and facilities, transit asset management, fair distribution of funds across the state, coordination of public transportation with other Federally-funded transportation services, planning, local match, and transferring facilities or equipment to other eligible grantees. States also certify that they will spend at least 15% of Section 5311 funding on intercity bus projects or that the state's intercity bus service needs are being met adequately, in consultation with intercity bus service providers

15.B. Appalachian Development Public Transportation Assistance Program

This section applies only to grants funded under the Section 5311(c)(2) Appalachian Development Public Transportation Assistance Program. It certifies that your organization will only use these funds for a highway project only if affected public transportation providers are notified and approve. It also certifies that your organization will comply with requirements related to safety and transit asset management.

CATEGORY 16. TRIBAL TRANSIT PROGRAMS (PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAMS)

This section applies only to grants funded under the Section 5311(c)(1) Public Transportation on Indian Reservations Formula or Discretionary Programs. It certifies that your organization has the authority and capability to complete the project and meet Federal requirements. These include requirements related to safety, security, control over use of equipment and facilities, transit asset management, procurement, charter bus, school bus, bus testing, ITS, and drug and alcohol testing.

CATEGORY 17. STATE SAFETY OVERSIGHT GRANT PROGRAM

This section applies only to grants funded under the Section 5329(e)(6) State Safety Oversight Grant Program. This is not a LOTS grant program.

CATEGORY 18. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

This section applies only to grants funded under the Section 5324 Transportation Emergency Relief Program. This is not a LOTS grant program.

CATEGORY 19. EXPEDITED PROJECT DELIVERY PILOT PROGRAM

This section applies only to grants funded under the Section 3005(b) Expedited Project Delivery Pilot Program. This is not a LOTS grant program.

CATEGORY 20. INFRASTRUCTURE FINANCE PROGRAMS

This section applies only to grants funded under the Transportation Infrastructure Finance and Innovation Act (TIFIA) and State Infrastructure Banks (SIB) Programs. These are not LOTS grant programs.

CATEGORY 21. CONSTRUCTION HIRING PREFERENCES

This section applies only to grants that fund construction projects. It certifies that your organization in connection with any U.S. DOT-funded third-party construction contract, will only use a non-allowable geographic, economic, or any other hiring preference under very specific circumstances that include a pool of unemployed, readily-available, qualified employees live in the jurisdiction where the work will be performed, bid document provisions that protect bidder's existing employees, and not impacting other planned projects in the state or region.

CONTACT INFORMATION FOR ADDITIONAL INFORMATION

Updated March 2017

MARYLAND RESOURCES:

Maryland Transit Administration

Office of Local Transit Support
 Maryland Department of Transportation
 6 St. Paul Street
 Baltimore, MD 21202-1614
<http://www.mtamaryland.com/>

Regional Planners:

Regional Planner	Region
Bruce Hojnacki - 410-767-3758 BHojnacki@mta.maryland.gov	Counties of Anne Arundel, Baltimore, Carroll, and Harford; Cities of Annapolis and Baltimore
Chris Taylor - 410-767-3142 CTaylor7@mtamaryland.gov	Frederick County
George Thornes - 410-767-8356 GThornes@mta.maryland.gov	Counties of Allegany, Calvert, Charles, Garrett, St. Mary's, and Washington
Jason Kepple - 410-767-7330 JKepple@mta.maryland.gov	Counties of Caroline, Cecil, Dorchester, Howard, Kent, Montgomery, Prince George's, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester; Town of Ocean City; Delmarva Community Services, Regional Transit Authority, and Shore Transit

Other OLTS Contacts:

Beverly Walenga – 410-767-3777	Financial Analyst
Elizabeth Kreider – 410-464-3433	Director
Glenn Hoge – 410-767-3762	Chief of Statewide Transit Development
Jeannie Fazio – 410-767-3781	Deputy Director
Jennifer Vickery – 410-767-4598	Program Manager
Jim Raszewski – 410-767-2948	Program Manager/Compliance
Linda Smith – 410-767-3790	Administrative Assistance
Monica White – 410-767-3906	Program Manager/Human Services, 5310
Nonni Stermer – 410-767-3696	Special Assistance

Transportation Association of Maryland (TAM)

939 Elkridge Landing Road, Suite 195
 Linthicum, MD 21090
 (410) 553-4245
 Email: tam@taminc.org
 Website: <http://taminc.org/>

Maryland State Highway Administration (SHA), Motor Carrier Division

Toll-free: (800) 543-4564

410-582-5734

http://www.mdot.maryland.gov/newMDOT/Motor_Carrier/index.html**NATIONAL RESOURCES:****Federal Government Agencies:****Federal Motor Carrier Safety Administration (FMCSA)**

Toll-free: (800) 832-5660

(410) 962-2889

<http://www.fmcsa.dot.gov/>**Federal Transit Administration (FTA)**<https://www.transit.dot.gov/>**FTA Region 3 Office:**

1760 Market Street, Suite 500

Philadelphia, PA 19103-4124

(215) 656-7100

Fax: (215) 656-7260

United States Access Board

(202) 272-0080

Toll-free: (800) 872-2253

<http://www.access-board.gov/>**Professional Associations:****American Bus Association (ABA)**

Toll-free: (800) 283-2877

(202) 842-1645

<https://www.buses.org/>**American Public Transportation Association (APTA)**

(202) 496-4800

<http://www.apta.com/>**Association for Commuter Transportation (ACT)**

(202) 792-5801

<http://actweb.org/>**Community Transportation Association of America (CTAA)**

Toll-free: (800) 891-0590

(202) 628-1480

<http://www.ctaa.org/>**Taxi, Limousine & Paratransit Association (TLPA)**

(301) 984-5700

<http://www.tlpa.org/>**Research and Technical Assistance Centers:****Center for Urban Transportation Research (CUTR)**

Research center administered by University of South Florida

(813) 974-3120

<http://www.cutr.usf.edu/>**National Aging and Disability Transportation Center (NADTC)**

Administered by Easterseals & the National Association of Area Agencies on Aging (n4a)

Toll-free: (866) 983-3222

<http://www.nadtc.org/>**National Center for Mobility Management**

Administered by CTAA

Toll-free: (866) 846-6400

<http://nationalcenterformobilitymanagement.org/>**National Rural Transit Assistance Program (RTAP)**

Administered by the Neponset Valley Transportation Management Association

Toll-free: (888) 589-6821

<http://www.nationalrtap.org/>**National Transit Institute**

Administered by Rutgers University

(732) 932-1700

<http://ntionline.com/>**Small Urban and Rural Transit Center (SURTC)**

Research center administered by Upper Great Plains Transportation Institute at North Dakota State University

(701) 231-1064

<http://www.surtc.org/>**Transit Cooperative Research Program (TCRP) of the Transportation Research Board**
<http://www.trb.org/TCRP/TCRP.aspx>

APPENDIX B

Publications available through:
<http://www.tcrponline.org/SitePages/Home.aspx>

Labor Unions:

Amalgamated Transit Union
(301) 431-7100
<http://www.atu.org/>

ACRONYMS AND GLOSSARY OF RURAL AND SMALL URBAN TRANSIT TERMINOLOGY

Acronyms

AAA:	Area Agency on Aging
AASHTO:	American Association of State Highway and Transportation Officials
ABA:	American Bus Association/Architectural Barrier Acts
ACS:	American Community Survey
ACT:	Association for Community Transportation
ADAAG:	ADA Accessibility Guidelines
ADA:	Americans with Disabilities Act
A&E:	Architectural & Engineering
APTA:	American Public Transportation Association
APTS:	Advanced Public Transportation System.
APWA:	American Public Works Association
ARRA:	American Recovery and Reinvestment Act
ATI:	Association of Travel Instruction
ATP:	Annual Transportation Plan
AVL:	Automatic Vehicle Location
BAT:	Breath Alcohol Technicians
BRT:	Bus Rapid Transit
CCR:	Central Contractor Registration
CDL:	Commercial Driver's License
CFR:	Code of Federal Regulations
CIG:	Capital Investment Grant
CMAQ:	Congestion Mitigation and Air Quality Project
CMSA:	Consolidated Metropolitan Statistical Area
COG:	Council of Governments
COMAR:	Code of Maryland Regulations
CTAA:	Community Transportation Association of America
CTAP:	Community Transportation Assistance Project
CUTR:	Center for Urban Transportation Research
DAPM:	Drug & Alcohol Program Manager
D&B:	Dun & Bradstreet
DBE:	Disadvantaged Business Enterprise
DER:	Designated Employer Representative
DFWA:	Drug-Free Workplace Act
DHHS:	U.S. Department of Health and Human Services
DOE:	U.S. Department of Energy
DOJ:	U.S. Department of Justice
DOL:	U.S. Department of Labor
DOT:	U.S. Department of Transportation
DREDF:	Disability Rights Education & Defense Fund
DRT:	Demand Response Transit
DUNS or D-U-N-S:	Data Universal Numbering System
EA:	Environmental Assessment
EAP:	Employee Assistance Program
ECFR:	Electronic Code of Federal Regulations
EEO:	Equal Employment Opportunity
EIS:	Environmental Impact Statement
EJ:	Environmental Justice
EPA:	Environmental Protection Agency
FAST:	Fixing America's Surface Transportation Act
FCC:	Federal Communications Commission
FFD:	Fitness for Duty
FHWA:	Federal Highway Administration

FLSA:	Fair Labor Standards Act
FMCSA:	Federal Motor Carrier Safety Administration
FMCSR:	Federal Motor Carrier Safety Regulations
FTA:	Federal Transit Administration
GIS:	Geographic Information System
GPS:	Global Positioning System
GSA:	Government Services Administration
GVWR:	Gross Vehicle Weight Rating
HOV:	High Occupancy Vehicle
ICB:	Intercity Bus Program
ICE:	Independent Cost Estimate
IFB:	Invitation for Bids
IPDE:	Identify, Predict, Decide, and Execute
ISTEA:	Intermodal Surface Transportation Efficiency Act
ITMS:	Intelligent Transportation Management Systems
ITS:	Intelligent Transportation Systems (a/s/o Information Technology Service)
JARC:	Job Access and Reverse Commute program
LAP:	Language Assistance Plan
LEP:	Limited English Proficiency
LOTS:	Locally Operated Transit System
MAP-21:	Moving Ahead for Progress in the 21st Century Act
MBE:	Minority Business Enterprise
MCTP:	Maryland Comprehensive Plan
MDOT:	Maryland Department of Transportation
MDP:	Maryland Department of Planning
MDT:	Mobile Data Terminal
MIS:	Management Information System
MMCP:	Maryland Motor Carrier Program
MOSH:	Maryland Occupational Safety & Health
MOU:	Memorandum of Understanding
MPO:	Metropolitan Planning Organization
MRO:	Medical Review Officer
MSA:	Metropolitan Statistical Area
MSDS:	Material Safety Data Sheets
MTA:	Maryland Transit Administration
MTAP:	Multi-State Technical Assistance Program
MVA:	Motor Vehicle Administration
NADTC:	National Aging and Disability Transportation Center
NBTA:	National Bus Traffic Association
NCHRP:	National Cooperative Highway Research Program
NEPA:	National Environmental Policy Act
NIMS:	National Incident Management System
NPTS:	National Personal Transportation Survey
NTD:	National Transit Database
NTI:	National Transit Institute
NTSB:	National Transportation Safety Board
ODEP:	Office of Disability Employment Policy
OLTS:	Office of Local Transit Support
OSHA:	Occupational Safety and Health Administration
OTRB:	Over-the-Road Bus
PA:	Public Address
PASS:	Passenger Service & Safety/Passenger Sensitivity & Safety
PCA:	Personal Care Attendant
PCP:	Phencyclidine
PM:	Preventive Maintenance
POP:	Program of Projects
PSC:	Public Service Commission
PTP:	Public Transportation Programs
QHSO:	Qualified Human Service Organizations
RFP:	Request for Proposals
RTAP:	Rural Transit Assistance Program

SAFETEA-	
LU:	The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SAM:	System for Award Management
SAP:	Substance Abuse Professions
SCATA:	State Coordination and Technical Assistance Program
SGR:	State of Good Repair
SHA:	State Highway Administration
SIR:	Self Insured Retentions
SMS:	State Management Plan
SOV:	Single Occupant Vehicle
SSEPP:	Safety, Security and Emergency Preparation Plan
SSTAP:	Statewide Special Transportation Assistance Program
STIP:	Statewide Transportation Improvement Program
START:	Safety Training & Rural Transit
STT:	Screen Test Technician
SURTC:	Small Urban and Rural Transit Center
TAM:	Transportation Association of Maryland (<i>also</i> Transit Asset Management)
TAMP:	Transit Asset Management Plan
TAZ:	Traffic Analysis Zone
TCRP:	Transit Cooperative Research Program
TDM:	Transportation Demand Management
TDP:	Transportation Development Plan
TEA 21:	Transportation Equity Act for the 21st Century
TIP:	Transportation Improvement Program
TLPA:	Taxicab, Limousine & Paratransit Association
TMA:	Transportation Management Association <i>or</i> Transportation Management Area
TMD:	Transportation Management Division
TNC:	Transportation Network Company
TPD:	Transit Planning Division
TQM:	Total Quality Management.
TRB:	Transportation Research Board
TRIS:	Transportation Research Information Services
TSI:	Transportation Safety Institute
TSM:	Transportation System Management
TVM:	Transit Vehicle Manufacturer
UCP:	United Certification Program
ULB:	Urban Life Benchmark
UMTA:	Urban Mass Transportation Act
UZA:	Urbanized Area
UPWP:	Unified Planning Work Program
WAI:	Web Accessibility Initiative
WBE:	Women's Business Enterprise
WMATA:	Washington Metropolitan Area Transit Authority

Definitions

ACCESSIBILITY: A concept used in transportation planning to describe the ease with which an individual has an opportunity to participate in an activity. The more accessible the activity, the fewer barriers must be overcome to reach the activity.

ACCESSIBLE TRANSIT SYSTEM: A transit system that can transport any mobile person, including persons with disabilities, and in which the vehicles and stops or stations are designed to accommodate patrons with disabilities, including persons who use wheelchairs. Transit accessibility also calls for accessible customer information. In addition to standard print and signage, audio, Braille, large print, pictorial, and tactile formats can make information more accessible to customers with vision, hearing, and cognitive disabilities.

ACCIDENT: An unforeseen, unintended event, caused by an unsafe act, an unsafe condition, or a combination of the two.

ACTIVE VEHICLE: A transit passenger vehicle licensed and maintained for regular use. This includes spare vehicles and vehicles out of service for maintenance, but excludes vehicles leased to other operators, permanently unavailable or unusable for transit service, and new vehicles not yet prepared for transit service.

ADMINISTRATIVE EXPENSES: Costs of the functions that are necessary to support vehicle operations and maintenance, including supervision, information and referral, billing and program accountability, record keeping, planning and marketing, driver training, and purchasing.

ADULT CASH FARE: Basic full fare paid by one person for one ride, excluding transfer and zone charges.

ADVANCE-NOTICE SERVICE: A demand-responsive transportation service by which clients make their trip requests at a designated period, usually at least 2 hours prior to their actual service need.

ADVISORY COMMITTEE: An organized group of local people who supply their ideas and input to, for example, a particular transportation study or plan, or a transit or paratransit operation.

ALIGHT: To get off or out of a transportation vehicle.

ALLOCATION: An administrative distribution of funds.

ALTERNATIVE FUEL: A liquid or gaseous non-petroleum fuel.

ALTERNATIVES ANALYSIS: A detailed study and assessment of the various options available for the purpose of selecting one for implementation.

AMALGAMATED TRANSIT UNION – A labor union representing transit and allied workers in the U.S. and Canada.

AMERICAN COMMUNITY SURVEY (ACS): An ongoing statistical survey by the U.S. Census Bureau that includes demographic, social, economic, and housing characteristics.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO): Made up of state and highway officials, along with transportation departments and agencies, and the U.S. DOT to study transportation problems, advise Congress on legislation, and develop standards and policies.

AMERICAN BUS ASSOCIATION (ABA): A trade association representing motorcoach and tour companies, travel and tourism organizations, and suppliers of bus products and services in the U.S. and Canada.

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION (APTA): A nonprofit international industry which performs a variety of services for the industry, along with promoting transit interests, information exchange, research, and policy development.

AMERICAN PUBLIC WORKS ASSOCIATION (APWA): Conducts historical research on public works subjects, sponsors research and educational foundations, and operates a computerized local government information network.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA): An economic stimulus package, signed into law on February 17, 2009, by President Barack Obama, that includes funding for transit.

AMERICANS WITH DISABILITIES ACT (ADA): Passed by Congress in 1990, this act mandates equal opportunities for persons with disabilities in the areas of employment, transportation, housing and public accommodations.

ANNUAL ELEMENT: A list of those transportation improvement projects contained in an area's Transportation Improvement Program (TIP) that are proposed for implementation in the first year of the TIP and that are submitted to the U.S. Department of Transportation as part of the required planning process.

APPROPRIATION: Annual federal, state, or local funding, by the respective elected officials, which provides the funding for transportation programs.

AREA AGENCY ON AGING (AAA): The local entity that plans for services and advocated for the elderly within their communities administering provisions of the Older American Act.

ARTICULATED BUS: An extra-long, high-capacity bus that has the rear body section or sections flexible but permanently connected to the forward section.

ASSOCIATION FOR COMMUTER TRANSPORTATION (ACT): An international trade association and advocate for commuter transportation and Transportation Demand Management (TDM).

ASSOCIATION OF TRAVEL INSTRUCTION (ATI): A national nonprofit professional association which supports providers of travel instruction for the purpose of teaching people with disabilities and seniors to travel safely and independently.

AUTOMATIC FARE COLLECTION SYSTEM: The controls and equipment that automatically admit passengers on insertion of the correct fare in an acceptable form.

AUTOMATIC VEHICLE LOCATION (AVL): A system that tracks the current location of fleet vehicles determines the geographic location of vehicles having communication equipment to transmit a signal back to a central receiver. It is used to assist in dispatching, maintaining schedules, and reporting vehicle activities.

AUTOMATIC VEHICLE MONITORING SYSTEM: A system in which signals are sent from the vehicle to a central control facility, locating the vehicle and providing other information about its operations or about its mechanical condition.

AVERAGE FARE: The arithmetic average of all fares paid by all revenue passengers.

BAD ORDER: A notice that a transit vehicle needs repaired and should be removed from service until such repairs have been completed.

BASE FARE: The price charged to an adult for regular local service, usually given for a one-way trip.

BASE PERIOD: Also known as off-peak period, the time of day between morning and afternoon peak periods. The **BASE PERIOD FLEET** is the number of vehicles required to maintain base period schedules.

BASE PERIOD HEADWAY: Refers to the scheduled time between transit vehicle trips during this period.

BICYCLE AMENITIES: Bicycle racks, storage lockers and on-bus securement equipment make transit more convenient to cyclists. The most common on-bus securement equipment is a rack mounted on the front of the outside of the vehicle which folds up against the bus when not in use.

BID: To offer a proposal to secure a contract.

BIDDER: An individual, partnership, firm, corporation, or any acceptable combination thereof, or joint venture that is submitting a bid.

BLOCK GRANTS: Aid directed at broadly or functionally defined purposes.

BODY-ON-CHASSIS SMALL BUS: The chassis and partial cab is obtained from the truck manufacturer, and the specialist body builders place a bus body on the chassis, typically integrating the bus body with the front of the cab retaining the short hood. There is a wide variety of such vehicles, varying in size, body materials and design, etc. They are available with and without wheelchair lifts and tie-down positions. Sometimes referred to as cutaway vehicles.

BROCHURE: A written communications tool that offers an effective means of presenting system services, routes, and policies to the public.

BROKERAGE: A method of providing transportation where riders are matched with a variety of transportation providers through use of central dispatching and administrative facilities.

BUS: A self-propelled, rubber-tired road vehicle designed to carry a substantial number of passengers (i.e., 10 or more) and typically has enough head room to allow passengers to stand upright after entering. Propulsion is typically by gasoline, diesel fuel, compressed natural gas (CNG), or electricity.

BUS BAY: A specially designed location that permits buses to stop, without obstructing traffic, while laying over or while passengers board and alight.

BUS LANE: A street lane reserved primarily for buses, either all day or during specified periods.

BUS MILE: One bus operated for one mile.

BUS PRIORITY SYSTEM: A system of traffic controls in which buses are given special treatment over the general vehicular traffic. Also known as signal priority.

BUS RAPID TRANSIT (BRT): An enhanced bus system that operates on bus lanes or other transitways in order to combine the flexibility of buses with the efficiency of rail. BRT typically utilizes a combination of advanced technologies, infrastructure and operational investments that provide significantly better service than traditional bus service.

BUS STOP: Pre-defined location for passengers to board and/or alight the transit vehicle, typically on-street, at the curb, or in a median, sometimes with a shelter, sign, or lighting.

BUSPOOL: A group of people who share the use and cost of bus transportation between designated origins and destinations on a regular basis.

BUSWAY: a special roadway designed for exclusive use by buses.

BUY AMERICA: Federal transportation law requires that all purchases of vehicles, equipment or any other manufactured item be US made and assembled components, unless the purchase price is less than the dollar threshold established by the U.S. DOT, or the DOT has given the purchaser a Buy America waiver.

CAB: A taxicab.

CAPITAL COSTS: The costs of a public transit system's long-term assets such as property, buildings, vehicles, and other long-lived equipment. FTA has also designated preventive maintenance and mobility management projects to be eligible capital costs. Not to be confused with operating costs, which refer to recurring expenses to maintain equipment and services.

CARPOOL: An arrangement where two or more people share the use and cost of privately owned automobiles in traveling to and from prearranged destinations together.

CARPOOL LANE: A lane intended primarily for carpools, vanpools, and other high-occupancy vehicles, either all day or during a specified period. Also known as High Occupancy Vehicle (HOV) lane.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE: A comprehensive listing and description of federal assistance programs administered by different federal departments, agencies, commissions, and councils, published annually by the U.S. Office of Management and Budget.

CHARTER SERVICE: Any transportation of a group of persons for a common purpose, under a single contract, at a fixed charge for the vehicle or service. FTA recipients may only operate charter services under very specific circumstances.

CHARTER SERVICE REVENUE: Revenue earned by operating vehicles under charter contracts.

CHOICE RIDER: A transit passenger who has at least two modes of travel available and selected transit for that trip.

CIRCULATOR SERVICE: Bus service confined to a specific locale, such as a downtown area or a suburban neighborhood, with connections to major traffic corridors. Also known as shuttle service.

CITIZEN ADVISORY COMMITTEE: An organized group of local people who meet regularly and supply their ideas and input to an organization.

CLEAN AIR ACT: Federal regulations which detail acceptable levels of airborne pollution and spell out the transit industry's role in maintaining clean air.

CLIENT SHEDDING. An expression used to describe when a human service agency discontinues provision of transportation services for its clients, instead expecting the public transportation provider to meet the agency transportation of its clients without providing funding for this service. This term is typically used in the context of discussing demand for ADA paratransit services.

CODE OF FEDERAL REGULATIONS (CFR): An annual publication that contains all federal regulations currently in effect. Updates are published in the *Federal Register*.

COMMERCIAL DRIVER'S LICENSE (CDL): The standardized driver's license required of passenger bus and heavy truck drivers in every state. CDLs were mandated by the federal government in the Commercial Motor Vehicle Safety Act of 1986.

COMMUNITY TRANSPORTATION ASSISTANCE PROJECT (CTAP): This project of the U. S. Department of Health and Human Services (DHHS) offers training material, technical assistance and other support services for community transportation providers across the country.

COMMUNITY TRANSPORTATION ASSOCIATION OF AMERICA (CTAA): A national, professional membership association of organizations and individuals committed to removing barriers to isolation and to improving mobility for all people. CTAA conducts research, provides technical assistance, offers educational programs and serves as an advocate in order to make coordinated community transportation available, affordable and accessible. Historically, CTAA has focused on rural, small urban, and human service transportation services.

COMMUTE: Regular travel between home and a fixed location such as work or school.

COMMUTER: A person who travels regularly between home and a fixed location.

COMMUTER SERVICE: Transportation provided on a regularly scheduled basis during peak travel periods for users commuting to work, school, and similar destinations.

COMPLEMENTARY PARATRANSIT SERVICES: Transportation service required by the Americans with Disabilities Act (ADA) for individuals with disabilities who are unable to use fixed route transportation systems. This service must be comparable to the level of service provided to individuals without disabilities who use the fixed route system and meet the requirements specified in 49 CFR Part 37. The complementary paratransit services must be origin-to-destination service or on-call demand response service to an accessible fixed route where such service enables the individual to use the fixed route bus system for his or her trip.

COMPUTER SCHEDULING AND DISPATCHING SOFTWARE: Software used in demand-response transportation to make reservations for clients, schedule trips vehicles, provide drivers with lists of riders, and compile and complete billing and performance reports. Semi-automated computer scheduling and dispatching software requires that the scheduler know in what area a rider's trip is beginning and ending in order to book the trip on a specific vehicle. Fully-automated computer scheduling and dispatching software will book a rider's trip on a specific vehicle by using a GIS system to geocode the rider's beginning and ending points.

CONGESTION MITIGATION AND AIR QUALITY PROJECT (CMAQ): A flexible funding program administered by the Federal Highway Administration (FHWA) and established by ISTEA that obligates funds to projects and programs that reduce harmful vehicle emissions.

CONNECTOR OR FEEDER SERVICE: Service in which a transfer to or from another transit system or mode is the focal point.

CONSOLIDATED METROPOLITAN STATISTICAL AREA (CMSA): A metropolitan statistical area that has more than one million population and meets other specified requirements.

CONSOLIDATION: An arrangement in which all of a community's transportation services for human service agency clients are managed by one organization and provided to the core human service agencies in their service area. Consolidation a transportation coordination alternative.

CONTRACTING: A procedure followed by many organizations to hire private contractors to perform certain parts of the operation, instead of having their own employees perform the work. Also known as privatization.

COORDINATION: A cooperative arrangement between transportation providers and organizations needing transportation services. Coordination models can range in scope from shared use of facilities, training, or maintenance to integrated transportation brokerages or consolidation of services.

CORRIDOR: A broad geographical band that follows a general directional flow or connects major sources of trips.

COST ALLOCATION: Dividing costs among the various purposes or categories involved.

COST-BENEFIT ANALYSIS: Identifying all negative aspects (costs) and positive impacts (benefits) of a proposal, then subtracting one from the other to arrive at a net benefit. Both quantifiable and subjective factors may be identified and evaluated. While subjective factors should not be easily quantified, those factors should be given relative values and evaluated along with quantifiable factors. Both cost and benefit values should be discounted to present values to reflect the time value of money.

COST EFFECTIVENESS ANALYSIS: an analytical technique used to choose the most effective method for achieving a program or policy goal. The analysis of costs is similar to that performed in a cost- benefit analysis.

COST EFFICIENCY: A quantitative measure of efficiency or how well something contributes to the attainment of goals and objectives measured against its cost. For transportation systems, cost efficiency is usually measured as the ratio of the cost of a system to the level of service. Examples of four major unit cost measures that might be used (either separately or together) to determine cost efficiency are total operating cost per vehicle hour, total operating cost per vehicle mile, total operating cost per passenger trip, and total operating cost per passenger mile.

COST RECOVERY RATIO: The ratio of total revenues to total costs.

COVERAGE AREA: The geographical area that a transit system is considered to serve, normally based on acceptable walking distances (e.g., 1/4 mile) from loading points.

CROSSTOWN SERVICE: Nonradial transit service that does not enter the central business district.

CRUSH LOAD: The maximum feasible passenger capacity of a vehicle, that is, the capacity at which one more passenger cannot enter without causing serious discomfort to the others.

CURB-TO-CURB SERVICE: A service that picks up and delivers passengers at the curb or roadside, as distinguished from door-to-door service. Passenger assistance is not rendered other than for actual boarding and alighting.

CUSTOMER: The recipient or beneficiary of the outputs of your work efforts or the purchase of your products or services. May be either internal or external to the organization, and must be satisfied with the outputs of your work efforts. The customers of a transit system include passengers, the community at large, the local governing board, and funding agencies such as the Federal Transit Administration, state DOT, and contracting human service agencies.

CUSTOMER FOCUS: The principle that decisions should be made based on the effect of those decisions on customers of an organization.

CUTAWAY: A vehicle in which a bus body is mounted on the chassis of a van or light-duty truck. The original van or light-duty truck chassis may be reinforced or extended. Sometimes referred to as a body-on-chassis vehicle.

DASH SIGN: A large card placed on top of the dashboard and visible through the bus windshield, in addition to or instead of a head sign, usually denoting the type of service or destination.

DATA UNIVERSAL NUMBERING SYSTEM (DUNS OR D-U-N-S) NUMBER: The nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities.

DEADHEAD TRAVEL TIME AND MILEAGE: The movement of a transit vehicle when it is not operating revenue service. In fixed route service, this is before the first stop at which passengers may board and after the last regular fixed stop. In demand-responsive service, deadheading is often defined as whenever the vehicle is in operation without passengers on board. However, for NTD reporting for demand-responsive service, revenue service begins when a vehicle pulls out to go into revenue service to the time it pulls in from revenue service, regardless of whether or not passengers are on board.

DEMAND: The quantity of transportation that will be consumed at a particular price given service characteristics such as frequency, coverage, etc.

DEMAND ANALYSIS: A study of the factors that affect demand, performed by collecting data and using various analytical techniques to understand demand.

DEMAND MODEL: A model that relates the amount of travel to the level and price of the transportation service and the socioeconomic characteristics of the potential traveler.

DEMAND-RESPONSIVE SERVICE: Transit service where individual passengers can request door-to-door or curb-to-curb transportation from a specific location to another specific location at a certain time. These services may require advance reservations. Also referred to as Dial-a-Ride, Paratransit, or Demand-Response Transit or DRT.

DEMOGRAPHIC DATA: Statistics related to the size, density, distribution, vital statistics, social structure, and related characteristics of human populations.

DESTINATION: A place at which a passenger ultimately disembarks from a transit vehicle; the point at which a trip terminates. This term typically refers to places outside of a passenger's home, even though these places become *origins* of a return trip which may be destined to the passenger's home.

DESTINATION SIGN: A sign on a transit vehicle indicating the route or line number, direction, destination of the vehicle, or any combination thereof.

DEVIATED FIXED-ROUTE SERVICE: Fixed-route service that allows deviations from the general route path to provide direct transportation access to passengers who live in the vicinity of the route path.

DIFFERENTIAL FARE: A method of travel pricing that varies fares according to the time of day, direction, distance, or other characteristics of the ride or pertinent circumstances.

DIAL-A-RIDE TRANSIT: See Demand-Responsive Service.

DIRECT COSTS: The costs incurred by the transportation program resulting from vehicle operations and maintenance.

DISABILITY: With respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of the individual.

DISADVANTAGED BUSINESS ENTERPRISE (DBE): Small businesses owned and controlled by economically and socially disadvantaged individuals, including women. Recipients of federal funds are required to establish goals that will contribute to the Department of Transportation's attainment of participation by disadvantaged business enterprises in project-sponsored contracts. Currently, any transit system

receiving more than \$250,000 in federal assistance is required to submit a Disadvantaged Business Enterprise Plan as a condition for the awarding of any federal grants.

DISCRETIONARY FUNDS: Funds granted at the discretion of the funding agency in the amount it desires (as opposed to funding levels determined by a mathematical formula).

DISPATCHER: The individual who assigns buses to runs, makes up work assignments to fill runs, directs the operators at the start of their assignments.

DISPATCHING: The process of relaying or providing service instructions to vehicle drivers or vehicle operators. Includes assigning customers to vehicles, notifying drivers of assignments and monitoring the operation of drivers.

DISTANCE-BASED FARE: A fare that is proportional to the distance traveled to complete the trip.

DONATED SERVICE: An arrangement with a local business for that business to donate services such as schedule printing to the transit system. Also called in-kind service.

DOOR-TO-DOOR: A service that picks up passengers at the door of their place of origin and delivers them to the door of their destination. This service may necessitate passenger assistance between the vehicle and the doors.

DRIVER LOG: A record of vehicle trip information, such as passenger names, trip origin and destination points, and trip mileage, maintained by the driver of each vehicle.

DROP-OFF: Vehicle stop to allow a passenger to disembark.

DRUG AND ALCOHOL TESTING REGULATION: Federal Transit Administration (FTA) regulation that requires drug and alcohol tests for all safety-sensitive employees of agencies receiving Section 5309, 5307, or 5311 funding, including drivers, maintenance workers, dispatchers and supervisors.

DWELL TIME: The time a transit vehicle spends at a station or stop.

DYNAMIC ROUTING: In demand-responsive transportation systems, the process of constantly modifying vehicle routes to accommodate service requests received after the vehicle began operations, as distinguished from predetermined routes assigned to a vehicle.

EFFECTIVENESS: The degree to which the provided level of service meets stated goals and objectives; for example, the percentage of a given service area that is within the desired quarter mile of a transit stop. Effectiveness can also be measured in terms of passengers per mile or passengers per hour.

EFFICIENCY: The ratio of output (level of service provided) to input (cost or resource provided). Providing the desired result with a minimum of effort, expense, and waste. Transit system efficiency is typically measured in terms of cost per mile or cost per hour.

ELASTICITY: In economics, the term refers to the relationship between two associated variables. Price-demand elasticity, the most common elasticity concept, is simply the ratio of a percentage in quantity purchased to a corresponding percentage change in price (e.g., transit fares).

ELDERLY: According the Older Americans Act, this term describes persons age 60 and older.

ELECTRIC BUS: A bus that is propelled by electric motors. The source of electric power is typically a battery or battery pack located on the vehicle or a connection to a system of wires suspended overhead.

EMPLOYEE RECOGNITION PROGRAM: Incentive program to acknowledge special contributions of certain employees or groups to the organization.

EMPLOYER'S LIABILITY INSURANCE: Protects an employer against claims for damages that arise from the injuries employees sustain in the course of their work. A workers' compensation policy insures the employer against liability under state compensation laws. Employer's liability insurance provides protection in cases not covered by the compensation law.

EMPLOYMENT TRANSPORTATION: Transportation specifically designed to take passengers to and from work or work-related training.

ENVIRONMENTAL IMPACT STATEMENT (EIS): A comprehensive study of likely environmental impacts resulting from major federally-assisted projects; statements are required by the National Environmental Policy Act (NEPA). If impacts are deemed to be severe enough, mitigation is usually required.

ENVIRONMENTAL JUSTICE: The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

ENVIRONMENTAL PROTECTION AGENCY (EPA): Independent federal agency responsible for the development and enforcement of national air quality emission standards.

EQUITY: A normative measure of fairness among transportation users.

EXACT FARE: Policy that precludes the making of change for passengers.

EXCLUSIVE TRANSIT FACILITIES: Transportation system infrastructure elements that are set aside for the use of transit vehicles only.

EXPRESS SERVICE: Service that has fewer stops and a higher operating speed than regular (local) service.

FARE: Fee charged to the general public to ride transportation.

FARE BOX: Device for the collection of fares. Also refers to the total revenue a transportation system obtains from passenger fares and local services.

FARE BOX RECOVERY: Measure of the proportion of operating expenses covered by passenger fares; found by dividing fare box revenue by total operating costs. Also known as fare recovery ratio.

FARE BOX REVENUE: The money or tickets collected as payments for rides. Can be cash, tickets, tokens, transfers and pass receipts.

FARE COLLECTION SYSTEM: The procedures and devices used to collect fares and to accumulate and account for fares paid.

FARE ELASTICITY: A measure of the change in ridership in response to a change in fare.

FARE POLICY: Policies developed by the transportation agency to regulate fares in accordance with the need for local revenues.

FARE STRUCTURE: The system set up to determine how much is to be paid by various categories of passengers using a transit vehicle at any given time.

FAR-SIDE STOP: A transit stop located beyond an intersection.

FEASIBILITY STUDY: A study to determine the suitability of a proposed action, such as establishment of transit service in a given area.

FEDERAL COMMUNICATIONS COMMISSION (FCC): A U.S. agency whose responsibilities include licensing and regulation whose responsibilities include licensing and regulation of radio communications, including those used in transportation facilities and vehicles.

FEDERAL HIGHWAY ADMINISTRATION (FHWA): The division of the U.S. Department of Transportation, established to ensure development of an effective national road and highway transportation system.

FEDERAL TRANSIT ADMINISTRATION (FTA): The division of the U.S. Department of Transportation that is responsible for regulating public transportation funding within local communities. The FTA provides funding for capital costs and operating costs, as well as for training, technical assistance and research.

FEEDER BUS: A bus service that provides passengers with connections with a major transportation service.

FISCAL YEAR (FY): The yearly accounting period for a government or business. The Federal Fiscal Year begins October 1 and ends the following September 30. State and local government fiscal years often begin July 1 and end the following June 30.

FIXED COST: An indirect cost that remains relatively constant, irrespective of the level of operational activity. Compare to variable cost.

FIXED GUIDEWAY: A public transportation facility—using and occupying a separate right-of-way for the exclusive use of public transportation; using rail; using a fixed catenary system; for a passenger ferry system; or for a bus rapid transit system.

FIXED-ROUTE SERVICE: Service provide on a repetitive, fixed schedule basis along a specific route with vehicles stopping to pick up and deliver passengers to specific locations. Each fixed-route trip serves the same origins and destinations, unlike demand-responsive. Typically, fixed-route service is characterized by features such as printed schedules or timetables, designated bus stops where passengers board and disembark and the use of larger transit vehicles.

FIXING AMERICA'S SURFACE TRANSPORTATION ACT (FAST ACT): The most recent funding and authorization bill to govern United States federal surface transportation spending, signed into law by President Obama on December 4, 2015.

FLAG STOP: A service accessed by a person hailing for the transit vehicle at a point along a regular route which is not designated as a fixed stop.

FLAT FARE: A method of travel pricing that uses a single fare for the entire service area regardless of the trips distance, time of day, area of travel, or other characteristics.

FLEET: The vehicles in a transit system.

FLEET CAPACITY: The total number of passenger spaces in all vehicles of a transit fleet.

FLEXIBLE FUNDING SOURCE: A source of federal or state money the specific use of which can be determined by the lower level of government that receives it. The Surface Transportation Program (STP) is an example.

FORMULA FUNDS: Funds for which the funding levels for individual recipients are determined by a mathematical formula. For transit funding, such formulas are typically based upon population characteristics of the service area as well as annual performance statistics for the transit system. Compare to discretionary funds.

FORWARD CONTROL BUS: This bus is up to 30 feet in length. These vehicles have no hood in front of the driver, but may be based on a commercial vehicle chassis or built as a bus. The engine may be in front, alongside the driver, or in the rear. A wide variety of capacities, costs and life expectancies is available in this category. These vehicles are typically used in fixed-route services.

FRINGE BENEFIT: An employment-related entitlement provided in addition to a worker's wages or salary that is paid for in part or wholly by the employer.

FRINGE PARKING: A parking facility located immediately outside the central business district.

FUEL: A material or combination of materials that burned with air produces mechanical energy.

FULLY ALLOCATED COSTS: Total costs of providing transportation, including services that are purchased through transportation operators or provided through service coordination contracts.

FUNDING FORMULA: A formula based on percentages that is used to calculate the amount of funding provided by each level of government (federal, state, and local).

GARAGE: The location in which buses are stored and serviced and where operators report for work and receive supplies and assignments. Can also refer to the building in which transit vehicles are serviced.

GEOCODING: Coding of spatial information, such as a street address, with geographic coordinate information that unambiguously defines the location in a system to allow determination of distances among points.

GEOGRAPHIC INFORMATION SYSTEM (GIS): An information system capable of processing and displaying geographic descriptions, a map, or nodes and links of a network.

GLOBAL POSITIONING SYSTEM (GPS): A geographic positioning satellite system, which is a constellation of 24 satellites orbiting the Earth. The satellites transmit radio signals containing precise satellite time and position information. A user equipped with a GPS receiver (a radio receiver capable of receiving the satellite signals) may use four of these signals (which provide distance measurements from each satellite) to compute the location of the receivers antenna.

GRANT: An award of government or private funds to an entity. Typically federal funds are awarded wither by formula (where a pre-determined process establishes the level of funding available to an entity) or by discretion (where the funding agency is free to determine how much (if any) funding an entity will receive based on the relative merits of the entity's proposal.

GRANTOR: The agency making a grant.

GROUP TRIP: A service to bring individuals to one common destination, such as Head Start or sheltered workshop employment, usually on a regularly scheduled basis.

GUARANTEED RIDE HOME: An incentive offered to vanpool and other rideshare program participants. In the event of a family emergency for which an individual cannot wait for their regular carpool, vanpool, or transit trip to return home, this incentive provides an alternate method, such as a loaner car or taxicab ride.

HEAD SIGN: A sign indicating the destination of the transit vehicle, usually located above the above the windshield.

HEAD START: A program of comprehensive services for economically disadvantaged preschool age children.

HEADWAY: Time interval between vehicles moving in the same direction on a fixed route.

HEADWAY MANAGEMENT: A technique for managing the operation of transit vehicles that focuses on maintaining a consistent spacing between units on the same line, instead of adhering to a timetable.

HIGH OCCUPANCY VEHICLE (HOV) LANE: A lane intended primarily for carpools, vanpools, transit, and other high-occupancy vehicles, either all day or during a specified period.

HIGHWAY TRUST FUND: The federal account established by law to hold receipts collected by the government and earmarked for highway programs and a portion of the federal mass transit program.

HUB MILES: Actual logged miles of vehicle operation, usually read from a hubometer or odometer.

HUMAN SERVICE TRANSPORTATION SYSTEM: A transportation system that provides services only to those receiving assistance from human service agencies.

IMMEDIATE-RESPONSE SERVICE: A demand-responsive transportation system by which service is provided immediately upon request.

INBOUND TRIP: A trip toward the central urban area.

INCIDENT: An action or occurrence likely to have future ramifications or consequences, especially in the area of damages or liability.

INCREMENTAL COST: The net change in dollar costs that is directly attributable to a given decision or proposal when compared with some other alternative.

INDIVIDUAL TRIP: A one-way vehicle trip providing service to one individual client. Compare to group trip.

INFRASTRUCTURE: All the relevant elements of the environment in which a transportation system operates.

IN-KIND MATCH: Capital or human resources provided by a local transportation system in return for resources provided by another level of government. Allows a local government to substitute labor or equipment rather than cash for transportation services provided by state or federal agencies.

INTELLIGENT TRANSPORTATION SYSTEMS (ITS): ITS uses new technologies to better manage transportation and provide travel information to the public. By more efficiently using existing roadways and transit systems, ITS can be an alternative to infrastructure expansion. In transit, examples of ITS include computer scheduling and dispatching systems, use of Automatic Vehicle Location, Mobile Data Terminals, and transit signal priority.

INTERCITY BUS PROGRAM (ICB) - Section 5311(f) of SAFETEA-LU that authorizes grants to support rural intercity bus transportation and coordination of rural connections between small transit operations and intercity bus carriers. Eligible applicants include public and private providers of intercity bus or feeder service.

INTERCITY BUS SERVICE: Regularly scheduled bus service for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, that has the capacity for transporting baggage carried by passengers, and that makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.

INTERLINE: A term denoting the interchange of passengers between one or more bus lines. Can also refer to overlapping portions of fixed routes.

INTERMODAL: Between or including more than one means or mode of transportation.

INTERMODAL FACILITY: A building that serves more than one form of transportation. For example, an intermodal building might provide include facilities for a local transportation system, an intercity bus line and a passenger rail line.

INTERMODAL INTEGRATION: Service coordination between two or more different transportation modes.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA): The 1991 law that reauthorized the federal surface transportation program for six years. ISTEA heralded a new era in surface transportation because of the emphasis on "intermodalism," the unprecedented increases in authorized spending for transit, the ability to use some highway funds for transit (and vice versa) and the increased reliance on regional planning agencies to weigh transportation options and make decisions utilizing public participation.

INTERNATIONAL TAXICAB ASSOCIATION (ITA): Disseminates information to its members and others concerned with taxicab operations, and conducts research and studies relevant to the problems of the taxi service industry.

JITNEY: A privately owned vehicle operated on a fixed route but not on a fixed schedule.

JOB ACCESS AND REVERSE COMMUTE PROGRAM: Section 5316 of SAFETEA-LU, a former program that authorized grants to support transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals, and to transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities. This program was eliminated with the passage of MAP-21.

JOINT DEVELOPMENT: Coordinated development of an area by the public sector and private enterprise.

JOINT USE ARRANGEMENT: A form of coordination where one or more of the resources belonging to one participant are available to other participants according to agreed upon terms and conditions.

KISS AND RIDE: An access mode to transit in which commuters are driven and dropped off at a transit station or stop in a private vehicle and left to board a public transportation vehicle. Compare to park and ride.

KNEELING BUS: A bus which is equipped with a kneeling feature. This feature enables the passenger entrance to be lowered closer to the ground for easier boarding by customers with mobility disabilities.

LAND USE: The purpose for which land or the structure on the land is being is used.

LAYOVER TIME (RECOVERY TIME): Time built into a fixed schedule between arrival at the end of a route and the departure for the return trip, used for the recovery of delays and preparation for the return trip.

LEVEL OF SERVICE: Set of characteristics that indicate the quality and quantity of transportation service provided.

LIFE CYCLE COSTING: Method of evaluation of alternative choices on the basis of comparative total costs for purchase and operations over the expected useful life of the asset.

LIMITED ENGLISH PROFICIENT (LEP) persons refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

LIMITED SERVICE: Transportation service that operates only during a certain period of the day, or that serves only specific stops or in a specified area.

LIMOUSINE SERVICE: Demand-responsive public transportation service on an exclusive basis.

LINE: A transit service operated over a specified route or combination of routes.

LINE HAUL SERVICE: Transportation service along a single corridor, without branches, with stops along the way.

LINKED TRIP: A trip from the point of origin to the final destination, regardless of the number of vehicles used or transfers made.

LOAD FACTOR: The ratio of passengers actually carried verses the total passenger capacity of a vehicle.

LOADING ISLAND: Also known as a pedestrian island. A protected spot for the loading and unloading of passengers.

LOAD SHEDDING: Reducing the need for a particular transportation service by encouraging passengers to use other operators. Known as client shedding when in reference to human service transportation.

LOCAL ACCESS: A street that provides access for pedestrians and vehicles but is not intended for through traffic.

LOCAL SERVICE: Transit service in a city or its immediate vicinity, typically with frequent stops. Compare to Express Service.

LOCALLY DEVELOPED, PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLAN: A coordinated planning requirement established under SAFETEA-LU. All projects funded under FTA Section 5310 (as well as the former 5316 and 5317) must be derived from such a plan, and local public transportation providers are expected to participate in the planning process.

LONG-RANGE ELEMENT: Part of a transportation plan provides for the long-range transportation needs of the urbanized area and identifies new transportation policies and facilities or major changes in existing facilities.

LOOP: A transit route layout that is of a closed continuous form, such as a circle. May be operated in one or both directions.

LOSS: The basis for a claim for indemnity or damages under the terms of an insurance policy. A loss is any unintentional diminution of quantity, quality or value of property. With references to policies of indemnity, this term is used to mean a valid claim for recovery under those policies.

LOSS CONTROL: Revising and organizing the patterns of preventive, productive and administrative activities to minimize loss.

LOW BID PROCUREMENT: A form of competitive procurement in which the contract is awarded on the basis of the lowest price bid for the services or goods rendered.

LOW FLOOR BUS: A bus with low floor and ramps allowing wheelchair access without the need for a lift.

MAINTENANCE: The functions that are related to taking care of the vehicles and keeping them in proper condition, including storage, routine and preventive maintenance, major repairs, and maintenance-related parts purchasing.

MANAGEMENT INFORMATION SYSTEM (MIS): A systematic approach to providing transportation decision makers with relevant financial and operating data on a continuing basis.

MANIFEST: A form on which all transportation services for a day are recorded.

MARGINAL COST: The cost of producing one more unit of output.

MARKET: The potential riders of a transportation system.

MARKET ANALYSIS: Measurement of the extent of present transportation needs, the determination of their characteristics, and the projection of future trends.

MARKETING: A process of attracting greater usage of transportation services.

MARKETING MANAGEMENT: The planning, organizing, direction, and control of the entire marketing activity of a transportation service.

MARYLAND TRANSIT ADMINISTRATION (MTA): The division of the Maryland Department of Transportation that administers statewide LOTS and specialized transportation funding and operates the mass transit system in the Baltimore region.

MASS TRANSPORTATION: Transportation either publicly or privately owned, that provides general or special service to the public on a regular and continuing basis (not including school bus, charter, or sightseeing service).

MATCH: State and or local funds required by the federal government to complement federal funds for a project. A match may also be required by states in funding projects which are joint state/local efforts.

MAXIMUM LOAD POINT: The point on a transit line or route that carries the highest total number of passengers for that line or route and direction.

MAXIMUM LOAD SECTION: The section of a transit line or route that carries the highest total number of passengers for that line or route and direction.

MEDICAID: A health care program for the elderly, persons with disabilities and the poor. The Medicaid program pays for non-emergency transportation for medical purposes for recipients. Also known as Title XIX (19).

METROPOLITAN PLANNING ORGANIZATION (MPO): The organization that is charged with planning a metropolitan area's mass transportation program and comprehensive highway program. An MPO is recognized by FTA and FHWA for transportation planning programs in metropolitan areas with populations of 50,000 or more.

METROPOLITAN STATISTICAL AREA (MSA): Consists of the central county or counties containing a city or an urbanized area with a population of at least 50,000 and the adjacent or outlying counties that have close economic and social relationships with the central counties, with a total metropolitan population of at least 100,000.

MIDBLOCK STOP: A transit stop located at a point away from intersections.

MINIBUS: A small bus, typically capable of carrying 20 passengers or fewer.

MINIVAN: Refers to the smaller van size offered by the U.S. auto industry, with varying lengths between 113 and 119 inches. All manufacturers offer unit-body vehicles with front models. These vehicles vary in costs and capacity, but can be used in fixed-route, demand-responsive, or even intercity/commuter services.

MINORITY BUSINESS ENTERPRISE (MBE): A business owned by one or more individuals who are defined as minorities under the U.S. Department of Transportation regulations for federally financed projects or by the appropriate state agency for state financed projects.

MOBILE DATA TERMINAL (MDT): An in-vehicle piece of equipment that receives and sends digital messages and displays the messages on a screen.

MOBILITY DEVICE: A device designed to improve the mobility of people with mobility disabilities. Examples include wheelchairs, scooters and walkers.

MOBILITY MANAGEMENT: A strategic approach to service coordination and customer service which enhances the ease of use and accessibility of transportation networks.

MOBILITY MANAGERS: Transit systems which expand their role to include services and approaches beyond traditional public transportation to include carpools or vanpools, high occupancy vehicle programs, public education on transit's benefits and integration of land-use, air-quality and transportation decisions. Advanced technologies are often used to manage expanded roles efficiently.

MODAL SPLIT: A term which describes how many people use alternative forms of transportation. Frequently used to describe the percentage of people using private automobiles as opposed to the percentage using public transportation.

MODE: A particular form of travel.

MODEL: A mathematical or conceptual presentation of relationships and actions within a system.

MONTHLY PASS: A pass valid for unlimited riding within certain designated zones for a 1-month period.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT (MAP-21): A funding and authorization bill to govern United States federal surface transportation spending, signed into law by President Obama on July 6, 2012.

MULTIMODAL: Involving more than one transportation mode.

NATIONAL HOUSEHOLD TRAVEL SURVEY (NHTS): Conducted by the Bureau of Census, and is the primary source of national data on travel patterns and frequency, transit use for all purposes, and the characteristics of transit users versus all travelers.

NATIONAL TRANSIT DATABASE (NTD): Reports presenting statistical information about the financing and operations of public transportation systems. Systems providing service in urbanized areas over 50,000 in population report directly to the FTA, while rural systems report to the State which in turns submits a statewide report to the FTA. NTD reports are required by the FTA as a condition of receiving Federal transit funds.

NATIONAL TRANSPORTATION SAFETY BOARD (NTSB): An independent agency of the federal government whose responsibilities include conducting transportation studies and making recommendations on

transportation safety measures and practices to government agencies, the transportation industry, and others.

NEAR-SIDE STOP: A transit stop located on the approach side of an intersection.

NEEDS ASSESSMENT: Estimation of services and facilities needed to satisfy the potential demand for transportation service.

NEW FREEDOM PROGRAM: Section 5317 of SAFETEA-LU, a former program that authorized grants to expand the transportation mobility options available to persons with disabilities beyond the requirements of the Americans with Disabilities Act of 1990. This program was eliminated with the passage of MAP-21.

NODE: A point that represents an intersection of two or more transit lines or routes.

NON-AMBULATORY: Refers to a condition of a person with disability who is unable to move about without assistance of a wheelchair or scooter.

NON-TRANSPORTATION REVENUE: Revenue earned by activities not associated with the provision of the system's transit service, such as lease of advertising space on a vehicle.

NO-SHOW: A passenger scheduled for a demand-responsive trip does not appear at the designated pickup point and time and does not cancel the trip in advance.

OFF-PEAK HOURS: Hours when passenger demand and vehicle use is low, usually in the middle of the day and in the evening.

ONE-WAY TRIP: The movement of a person or a vehicle from a point of origin to a destination. The return trip is considered a second one-way trip. Together, these two one-way trips comprise one round trip.

ON-TIME PERFORMANCE: The percentage of the trips on which a transit system adheres to its published schedule times within stated tolerances.

OPEN-DOOR SERVICE: Transportation service available to the general public, as opposed to service restricted to certain persons, or restricted in other ways.

OPERATING COSTS: Refers to all recurring costs associated with operating and maintaining a transit system. Not to be confused with capital costs, which refer to one-time expenses to purchase equipment or facilities. Note that vehicle maintenance, while technically an operating cost, can be funded as a capital expense under some FTA programs.

OPERATING DEFICIT: The sum of all operating costs minus operating revenues.

OPERATING EMPLOYEES: Employees whose major function is operating the service, including drivers (operators) and dispatchers.

OPERATING RATIO: The ratio of operating expenses to operating revenue.

OPERATING REVENUE: Receipts derived from or for the provision of transit service, include fare box revenue, revenue from advertising, interest, charter service and operating assistance from governments.

OPERATING SYSTEM: A master software program that allows the computer to run software applications and controls the flow of data within the computer and between the computer and its peripherals. Examples are DOS, UNIX, Mac OS, and Windows XT.

OPERATOR: An employee of a transit system whose work day is spent in the operation of a transit vehicle.

ORIGIN: The point at which a trip begins.

OUTBOUND TRIP: A trip away from the central urban area.

OUTREACH: Activities that promote awareness of your system in your community, such as making presentations to local organizations, clubs, and associations; participating in and providing transportation to community activities like festivals and fairs; and adopting a section of highway for litter cleanup.

OVER-THE ROAD BUS: A bus characterized by an elevated passenger deck located over a baggage compartment, often used to operate charter or intercity bus service.

OWL SERVICE: Transit service that operates during the late night through early morning hours.

PACKAGE DELIVERY SERVICE: Prepaid packages are picked up at a central location or from local businesses and delivered as the driver transports passengers, usually during off-peak hours.

PARATRANSIT: Passenger transportation that, on a regular basis, provides a more flexible service than fixed route service but is more structured than the use of private automobiles. Paratransit includes ADA complementary paratransit, demand-response transportation services, subscription service, shared-ride taxis, carpools, and vanpools.

PARK-AND-RIDE: A means to access transit in which patrons drive private automobiles or ride bicycles to a transit station, stop, or carpool/vanpool waiting area and park the vehicle in the area provided for that purpose (e.g., park-and-ride lot). They then ride the transit system or a parking shuttle, or take a carpool or vanpool to their destination.

PARKING SHUTTLE: A parking shuttle is a shuttle service which links a parking lot(s) or a destination(s) such as a shopping mall, tourist attraction, or medical center.

PASS: A means of transit prepayment, usually a card, which a transit passenger displays to the operator when boarding. Passes typically provide for an unlimited number of passenger trips during a designated period of time (such as a day, week, or month).

PASSENGER TRIP: One passenger making a one-way trip from origin to destination.

PASSENGER LOAD: The number of passengers on board a transit vehicle at a particular point in time or along a route.

PASSENGER MILES: The total number of miles traveled by passengers on transit vehicles; determined by multiplying the number of passenger trips times the average length of their trips.

PASSENGERS PER HOUR (OR REVENUE HOUR): Total passengers divided by total hours (or revenue hours) of service provided.

PASSENGERS PER MILE (OR REVENUE MILE): Total passengers divided by total miles (or revenue miles) of service provided.

PEAK HOURS: The hours of highest demand for service, usually in the early morning and late afternoon.

PEAK-HOUR PRICING: Charging higher prices for peak-period service than for off-peak service.

PEAK VEHICLES: Maximum number of vehicles required to provide transportation service during peak hours, usually in the early morning and late afternoon.

PERFORMANCE AUDIT: A comprehensive evaluation of a transit system's efficiency and effectiveness.

PERFORMANCE INDICATOR: Relating a measure of service output or use to a measure of service input or cost.

PICKUP: Vehicle stop to allow a passenger to board.

PLATFORM TIME: The time a transit vehicle is in revenue service. Also known as revenue hours.

POINT DEVIATION: A routing pattern in which the vehicle passes through pre-specified points in accordance with a prearranged schedule but is not given a specific route to follow between these points. It may offer door-to-door or curb-to-curb service.

PRE-AWARD/POST-DELIVERY AUDIT REQUIREMENTS: The requirement from FTA to carry out audits of vehicles and other rolling stock purchased with FTA funds, to ensure vehicles are manufactured to specifications

PRESCHEDULED SERVICE: A general category of advance notice trip scheduling. The term implies service that is regularly scheduled and whose demand is known well in advance.

PRE-TRIP INSPECTION: An inspection conducted by a driver of the vehicle he or she will operate that day, in which the functionality and condition of the vehicle are inspected and tested to ensure that it is roadworthy. Also known as circle check or walk-around.

PREVENTATIVE (OR PREVENTIVE) MAINTENANCE: Routine servicing and maintenance procedures required to ensure the continued operation of a vehicle.

PRIVATE TRANSPORTATION: Owned or operated by an individual or group, not by a governmental entity, for his or its own purposes or benefit.

PRIVATIZATION: Use of nongovernmental agencies to provide goods and services previously provided by government.

PRODUCTIVITY: The ratio of units of transportation output to units of input (for example, passenger boardings per revenue hour).

PUBLIC TRANSPORTATION: Regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income. 49 U.S.C. Chapter 53 excludes intercity passenger rail transportation provided by Amtrak, intercity bus service, charter bus service, school bus service, sightseeing service, courtesy shuttle service for patrons of one or more specific establishments, and intra-terminal or intra-facility shuttle services from this definition.

PUBLIC SERVICE COMMISSION (PSC): A state agency responsible for the regulation of for-hire carriers of passengers and goods within a state.

PUBLICLY OWNED TRANSIT SYSTEM: A transit system owned by any municipality, county, regional authority, state, or other governmental agency, including a system operated or managed by a private company under contract to the government agency owner.

PULSE SYSTEM: A fixed-route system (usually involving a radial network) in which all routes arrive at and depart from the *central transfer point* at the same times. This timing facilitates transferring, but necessitates a transfer facility where all buses can simultaneously drop off passengers safely, wait, and passengers can easily and safely get to the bus to which they are transferring.

PURCHASE OF SERVICE AGREEMENT: A legal contract between a public transportation agency and a private firm for the firm to operate public transit services.

RADIAL NETWORK: A service pattern in which most routes converge into and diverge from a central hub or activity center.

REAL-TIME SCHEDULING: Refers to scheduling methods where users call for trips at the actual time they wish to be picked up and the actual pickup is made as close as possible to the requested time without advance reservations.

REDUCED FARE: A special fare for children, students, persons with disabilities, senior citizens, or others that is less than the regular fare.

REGIONAL TRANSIT: Primarily serves long trips within metropolitan regions, crossing jurisdictional boundaries.

REHABILITATION: The reconstructing or rebuilding of a high-mileage vehicle in order to extend the vehicle's useful life.

REMOTE PARKING: A parking facility located a more significant distance from the central business district than fringe parking.

REQUEST FOR PROPOSAL (RFP): A document used to notify private firms of the opportunity to bid to provide professional or operational services for a public transportation system. An RFP may be used to notify bidders for services such as operations, drug testing, maintenance, planning, facilities design and construction, ADA certification, and computer software.

REROUTE: To divert to a route other than the scheduled route.

RESPONSE TIME: In demand-responsive operations, the time between a passenger's request for service and the passenger pickup.

REVENUE HOURS: The number of hours operated by vehicles which are available for passenger boardings; does not include deadhead time. Also known as revenue vehicle hours.

REVENUE MILES: Miles operated by vehicles available for passenger boardings; does not include deadhead miles. Also known as revenue vehicle miles.

REVENUE PASSENGER: A passenger from whom a fare is collected, either by cash or through a passenger's sponsoring agency.

REVENUE PASSENGER MILES: The movement of one passenger over one mile.

REVENUE RECOVERY: The amount of money that is recovered in the form of fares and/or contract revenues towards off-setting the costs of operating transportation service.

REVENUE SEAT MILE: The movement of one transit passenger seat over one mile. The ratio of revenue passenger miles to revenue seat miles is the load factor.

REVENUE SERVICE: A vehicle is in revenue service when it is operating along a route at which passengers may board, or when passengers are on board. Compare to deadhead service.

REVENUE VEHICLE: A vehicle used to provide passenger transit service for which remuneration is normally required.

REVENUE VEHICLE MILES: The distance in miles that a revenue vehicle is operated while it is available for passenger service.

REVERSE COMMUTE: A commute in the direction opposite to the main flow of traffic, for example, from the central city to a suburb during the morning peak.

RIDER PROFILE: The demographic characteristics, transit system use characteristics and relative transit dependency of your current customers.

RIDERSHIP: The number of passenger boardings on a transit system within any given period.

RIDERSHIP SURVEY: In transportation studies, data collected from individuals concerning their judgements, views, and perceptions of existing and proposed transportation services and other transportation issues. A ridership survey can also be a tally of boardings and alightings along a route on a stop-by-stop basis, used to determine productivity of route segments and individual stops, as well as to determine passenger miles.

RIDESHARING: A form of transportation, other than public transportation, in which more than one person shares in the use of the vehicle. Carpooling, vanpooling, shared-ride taxi, and transit are all ridesharing modes.

RISK MANAGEMENT: The process of planning, organizing, directing, and controlling the resources and activities of an organization to minimize the adverse effect of accidental losses on that organization and keep those losses to the least possible cost.

ROAD CALL: A mechanical failure of a bus in revenue service that necessitates removing the bus from service until repairs are made.

ROUND TRIP: The movement of a person or a vehicle from a point of origin to a destination and then back to the same point of origin. One round trip is composed of two one-way trips.

ROUTE: Fixed path traversed by a transit vehicle in accordance with a predetermined schedule.

ROUTE DEVIATION: Transportation service that operates along a public way on a fixed route but which may deviate from the route occasionally in response to take a passenger to a destination or pick one up from an origin, after which it returns to its route. Sometimes called flexible-route service.

ROUTE STRUCTURE: The pattern of transit routes. Examples are radial routes, loops, grids, or a centers-based network.

ROUTING AND SCHEDULING: The process by which trips are assigned to specific vehicles such that routes and time schedules can be developed in advance of service delivery.

RUN CUTTING: The process of organizing all scheduled trips operated by the transit system into runs for the assignment of operating personnel and vehicles.

RUNNING TIME: The actual time required for a transit vehicle to move from one point to another, excluding time for stops.

RURAL AREA: An area, village, town, or community that is not part of a designated urban area. An area that has a population of less than 50,000.

RURAL TRANSIT: Transportation services operated in rural areas. Typical paratransit, rather than fixed route transit, is more commonly operated in rural areas due to the low population density.

RURAL TRANSIT ASSISTANCE PROGRAM (RTAP): This program of the Federal Transit Administration (FTA) offers training materials, technical assistance and other support services for rural transit systems across the country.

SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU): The 2005 law that reauthorized the federal surface transportation program for five years.

SAME-DAY SERVICE: Demand-responsive system that responds to a request for service within the same service day but not as quickly as immediate service. For example, a system that responds in two to four hours.

SCHEDULE: A published table of departure and arrival times for arranged service over a transit route.

SCHEDULING: Preparing an operating schedule for transit vehicles on the basis of passenger demand, level of service and other operating elements such as travel times or equipment availability.

SCHOOL BUS: A vehicle operated by a public or private school or by a private contractor for the purpose of transporting children (through grade 12) to and from school or to and from other school-sponsored activities. Most states require that school buses be equipped with special safety equipment and signals.

SEATING CAPACITY: The number of passenger seats in a vehicle.

SECTION 504: Refers the Rehabilitation Act of 1973 in which people with disabilities cannot be discriminated against in any federal or federally assisted program.

SECTION 5307: Refers to the section of 49 U.S.C. Chapter 53 that authorizes grants to public transit systems in urban areas. Funds authorized through Section 5307 are awarded to states to provided capital and operation assistance to transit systems in urban areas with populations between 50,000 and 200,000. Transit systems in urban areas with populations greater than 200,000 receive their Section 5307 funds directly from FTA.

SECTION 5309: Refers to the section of 49 U.S.C. Chapter 53 that authorizes grants for major transit capital investments, including heavy rail, commuter rail, light rail, streetcars, and bus rapid transit. Previously, it referred to the section of SAFETEA-LU that authorized discretionary grants to public transit agencies for capital projects such as buses and bus facilities (which became funded under Section 5339 under MAP-21 and the FAST Act).

SECTION 5310: Refers to the section of 49 U.S.C. Chapter 53 that authorizes capital assistance to private non-profit organizations for the provision of specialized transportation for seniors and individuals with disabilities.

SECTION 5311: Refers to the section of 49 U.S.C. Chapter 53 that authorizes grants for public transportation services rural areas. Through the states, Section 5311 offers both capital and operating assistance.

SECTION 5311(F) INTERCITY BUS PROGRAM (ICB) - Refers to the section of 49 U.S.C. Chapter 53 that authorizes grants to support rural intercity bus transportation and coordination of rural connections between small transit operations and intercity bus carriers.

SECTION 5316 - JOB ACCESS AND REVERSE COMMUTE PROGRAM: Refers to the section of SAFETEA-LU that authorized grants to support transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals, and to transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities. This program was eliminated with the passage of MAP-21.

SECTION 5317 - NEW FREEDOM PROGRAM: Refers to the section of SAFETEA-LU that authorized grants to expand the transportation mobility options available to individuals with disabilities beyond the requirements of the Americans with Disabilities Act of 1990. This program was eliminated with the passage of MAP-21.

SECTION 5333(B) (FORMERLY SECTION 13(C)): Refers to the section of 49 U.S.C. Chapter 53 in which as a condition of any assistance under the act, fair and equitable arrangements must be made to protect the interests of employees affected by such assistance.

SECTION 5339: Refers to the section of 49 U.S.C. Chapter 53 that authorizes grants for transit capital projects such as buses and bus facilities (previously funded under Section 5309).

SENIOR: An older individual, defined under 49 U.S.C. Chapter 49 as 65 years of age or older.

SERVICE ANIMAL: As defined in 49 CFR part 37, any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

SERVICE AREA: The geographic region in which a transit system provides service or that a transit system is required to serve. Under the requirements of the ADA, the service area for complementary paratransit includes a three quarter mile radius from the fixed route service.

SERVICE ATTRIBUTES: Those aspects of a transportation system that affect potential customers' travel decisions about its use, such as travel time, reliability, comfort, cost, ease of use, and safety.

SERVICE FREQUENCY: The number of transit vehicles on a given route that passes a given stop within a specified interval of time. Peak service has a higher service frequency than off-peak service.

SERVICE PROVIDER: An agency that provides all or part of the transportation service under contract by the transportation system.

SERVICE QUALITY: The conditions of cleanliness of vehicles, on-time performance, response time, route and schedule convenience, the size of the service area, the courtesy of the drivers, and the availability of information for passengers.

SERVICE ROUTE: Routes which are tailored to meet the needs of a specific market segment (such as elderly or disabled passengers) in a community, often evolving out of a pattern of demand-responsive travel within a community. Characteristics of a service route include stops at high-density residential complexes or group homes, shopping areas, medical facilities, and destinations specific to the target population such as senior centers or sheltered work sites. Stops are usually positioned near an accessible entrance of a building instead of on the street, and the ride times are typically longer than on a conventional fixed-route covering the same general area.

SHARED-RIDE TAXI: A type of demand-responsive service in which taxis are allowed by the regulating authorities to carry at any one time several unrelated passengers with different origins and destinations.

SHUTTLE: A public or private vehicle that travels back and forth over a particular route, especially a short route or one that provides connections between transportation systems, employment centers, etc.

SMART CARD: A type of fare media on which an available balance and other data are stored. Upon boarding (or alighting) the vehicle, the card is read electronically and the appropriate fare is deducted for the trip.

SPARE RATIO: The number of spare vehicles (vehicles in excess of peak demand requirements) divided by the total number of vehicles needed to provide maximum (peak) service.

STANDING CAPACITY: The number of standing passengers that can be accommodated in a vehicle under specified comfort standards.

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP): A prioritized statewide program of transportation projects to be implemented in appropriate stages over several years. Inclusion of a project in the STIP is usually a required condition for a locality to receive federal transit and highway grants.

SUBCONTRACT: A secondary contract undertaking some or all of the obligations of the primary contract.

SUBRECIPIENT: an entity that receives Federal financial assistance from FTA through a primary recipient. In terms of the Maryland LOTS grant programs, the LOTS are subrecipients to the State (MTA).

SUBSCRIPTION SERVICE: A service in which routes and schedules are pre-arranged to meet the ongoing travel needs of riders who sign up for the service in advance.

SUBSIDY: In transportation, a grant, usually provided by a government agency, that makes up all or part of the difference between the cost of providing a transportation service and the revenues generated by the service.

SUBURBAN TRANSIT BUS: a motor bus designed for a seated passenger load and longer journey times. Typically it has high-back, forward-facing seats, and a single door at the front.

SUPER CIRCULAR: Published by the Office of Management and Budget (OMB) on December 26, 2013, a set of Federal requirements governing grants which replaced a series of former OMB grant-related circulars into one set of uniform regulations at 2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

SUPPORT COSTS: Those costs incurred by a transportation program that do not result from vehicle maintenance or operations, including administrative salaries or office rentals. Also known as administrative or overhead costs.

SYNTHETIC FUEL: Usually refers to liquified or gaseous fuels derived from mineral feedstocks.

SYSTEM FOR AWARD MANAGEMENT: an official website of the U.S. government used to identify organizations and individuals who have been debarred or suspended from participating in Federally-funded projects.

TAXI: Demand-responsive public transportation on an exclusive basis, in a vehicle licenses to render that service, usually operated by a private for-profit company. Fares are usually charged on a per-mile or per hour (or both) basis on top of a base fare charged for all trips. Passengers may call the dispatcher to request a trip (*real time scheduling*) or hail a passing unoccupied taxi (usually only in urban areas).

TAXICAB, LIMOUSINE & PARATRANSIT ASSOCIATION (TLPA): A non-profit trade association of and for the private passenger transportation industry. Members include taxicab companies, executive sedan and limousine services, airport shuttle fleets, non-emergency medical transportation companies, and paratransit services.

TECHNICAL ASSISTANCE: Hands-on assistance to transit system for purposes of problem-solving, planning, development, expansion, training or refinement of services.

TERMINAL STOP: A transit stop located at either end of a transit route.

THIRD-PARTY CONTRACT: A contract between the local transportation agency and a private firm for products or services.

THROUGH ROUTING: The joining of the ends of radial transit routes to travel through downtown instead of having each route turn back in the downtown and return to its origin.

TIME-BASED FARE: A fare that varies by time of day. It is usually higher during peak travel periods and lower during nonpeak travel periods.

TIME SHARING: A mode of transportation in which a vehicles time is shared by two or more agencies. Each agency utilizes the amount of service it requires, allowing its unutilized vehicle time to be purchased by another agency. This system reduces the service costs incurred by unutilized vehicles.

TIMETABLE: A listing of the times at which transit vehicles are due at specified time points.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964: A statute that protects people from discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.

TOTAL PROJECT COST: Total administration expenses and operating expenses.

TOTAL QUALITY MANAGEMENT (TQM): Management theory in which every decision made by an organization is analyzed by the employees making the decision for its impact on the quality of the product delivered to customers. In TQM, quality and management techniques, concepts and beliefs are integrated into the organizations culture and methodology to bring about continuous improvement through the empowerment of employees to make decisions regarding quality. The objective of a TQM strategy is to consistently meet customer expectations through first-time delivery of quality products.

TRANSFER: Service provided on a second transportation route to a passenger who has already paid a fare for transportation on an initial route. Transferring usually involves a change of vehicles, and may be free or incur an additional (typically small) charge.

TRANSFER PASSENGER: A passenger who changes from one route or line to another route or line.

TRANSFER TIME: The time required to effect a change of mode or to transfer between routes.

TRANSIT ASSET MANAGEMENT PLAN (TAMP): a model that uses asset condition to help prioritize funding to achieve or maintain transit networks in a state of good repair.

TRANSIT BUS: A motor bus designed for a maximum number of seated and standing passengers in short ride, frequent stop service. Typically 33 to 40 feet long.

TRANSIT CENTER: A transit stop or station at the meeting point of several routes.

TRANSIT COOPERATIVE RESEARCH PROGRAM (TCRP): Established under FTA in 1992 and as a part of the Intermodal Surface Transportation Efficiency Act (ISTEA), serves as one of the principal means by which the transit industry can develop innovative solutions to meet demands placed on it. It is administered by the Transportation Research Board for the FTA.

TRANSIT DEPENDENT PERSON: A person who must rely on transit services instead of the private automobile to meet his or her travel needs due to an inability to drive or lack of access to an auto.

TRANSIT DISTRICT: A geographically-based political jurisdiction division created specifically for the single purpose of providing transportation services. It is a separate legal entity and usually possesses the authority to impose a property tax.

TRANSIT MODE: Examples include regular fixed-route bus service, express bus service, light rail transit, rail rapid transit, and commuter rail.

TRANSIT SHELTER: A structure constructed at a transit stop which provides shelter from inclement weather. Also called a passenger or bus shelter.

TRANSIT STATION: An off-street facility where passengers wait for, board, alight, or transfer between transit vehicles. Transit stations are often multimodal and may include facilities for parking, kiss and ride, bicycle securement, taxi standing, and paratransit operations.

TRANSIT STOP: An area where passengers wait for, board, and alight from transit vehicles.

TRANSIT SYSTEM: The organization, facilities, equipment, personnel, and procedures needed to provide and maintain public transit service.

TRANSIT UNIT: A single transportation vehicle. Compare to fleet.

TRANSPORTATION ADVERTISING: Advertising on transit vehicles (inside or outside) or in transit facilities. Systems can either contract with a local sales agent or allow system employees to sell space and earn a commission. Advertising space can also be used to promote the system itself.

TRANSPORTATION BROKERAGE: Coordination of transportation services provided by multiple agencies in a defined area. The transportation broker often centralizes vehicle reservations and provides some dispatch and record keeping, under contractual agreement with agencies, municipalities and service providers. The broker may or may not be providing service directly and the agencies and municipalities who provide the system with riders may be also provide service through the brokerage. The broker provides a single point of access (information and trip reservations) for all customers.

TRANSPORTATION DEMAND MANAGEMENT (TDM): A program designed to maximize the people-moving capability of a transportation system (including private autos, public transit, and other modes) by increasing the number of persons in a vehicle or by changing the time of, or need to, travel. TDM systems typically rely on incentives to businesses and individuals to encourage them to change their behavior. For example, tax deductions might be given to businesses which stagger their workers' hours to relieve congestion during peak hours.

TRANSPORTATION DEVELOPMENT PLAN (TDP): A plan that identifies an area's transportation goals and objectives, the current status of its transportation services, and the proper course to implement those objectives in the short-range future, typically 3-5 years. Also may be known as a short-range transit plan, or by other similar names.

TRANSPORTATION DISADVANTAGED: People whose range of transportation alternatives is limited.

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (TEA 21): The ISTEA reauthorization act for Fiscal Years (FY) 1998-2003. TEA 21 authorizes \$42 billion for transit and at least \$175 billion in highway money.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP): A prioritized program of transportation projects to be implemented in appropriate stages over several years, and is usually a required condition for a locality to receive federal transit and highway grants.

TRANSPORTATION MANAGEMENT AREA (TMA): An urbanized area with a population more than 200,000 (as determined by the most recent decennial census) or other area when TMA-designation is requested by the Governor and the MPO (or affected local officials), and officially designated by the Federal Highway Administration and the Federal Transit Administration. TMA designation applies to the entire metropolitan planning area(s).

TRANSPORTATION MANAGEMENT ASSOCIATION (TMA): a voluntary association of public and private agencies and firms which develop, fund, or implement transportation programs or services in a given area.

TRANSPORTATION NETWORK COMPANY (TNC): A company that connects paying passengers with drivers who provide the transportation on their own non-commercial vehicles via website and mobile applications.

TRANSPORTATION RESEARCH BOARD (TRB): A unit of the National Research Council responsible for advancing knowledge concerning the nature and performance of transportation systems by stimulating research and disseminating the information derived therefrom.

TRANSPORTATION RESEARCH INFORMATION SERVICES (TRIS): A national network of transportation research information services developed by the Transportation Research Board

TRANSPORTATION SYSTEM MANAGEMENT (TSM): That part of the urban transportation planning process undertaken to improve the efficiency of the existing transportation system.

TRAVEL TRAINING: Instruction in how to use a transit system, covering such aspects as trip planning, getting to and from bus stops, boarding, and alighting. This type of training can improve the accessibility of a transit system for people with disabilities.

TRIP: A one-way movement of a person or vehicle between two points. Many transit statistics are based on unlinked passenger trips, usually counted as passenger boardings.

TRIP GENERATOR: A land use from which creates a need or demand for travel, such as a dwelling unit, a store, a factory, or an office.

TRIP PURPOSE: The primary reason for making a trip, such as work, shopping, or medical purposes.

TRIPPER: A transit service that operates on only a portion of a route.

UNIFIED PLANNING WORK PROGRAM (UPWP): An annual document describing all transportation related planning activities that will be carried out during the next year.

UNLINKED PASSENGER TRIP: A one-way trip made by an individual rider in a single vehicle. A person who leaves home on one vehicle, transfers to a second vehicle to arrive at a destination, leaves the destination and has to transfer to yet another vehicle to complete the journey home has made 4 unlinked passenger trips.

UNUTILIZED VEHICLE HOURS: The hours when vehicles are not carrying passengers but a driver is on duty.

URBAN MASS TRANSPORTATION ACT OF 1964 (UMTA): Refers to the establishment of the Federal Mass Transportation Program in 1964.

URBAN TRANSPORTATION MODELING SYSTEM: A system of models used in transportation planning as an approach to urban travel demand modeling.

URBAN TRANSPORTATION PLANNING PROCESS: Federally required planning process for urbanized areas that is aimed at developing programs to meet a region's transportation needs.

URBANIZED AREA: As defined by the Bureau of the Census, a population concentration of at least 50,000 inhabitants.

U.S. DEPARTMENT OF ENERGY (DOE): Federal agency whose responsibilities include improving the energy efficiency of transportation.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS): Federal agency that provides funds for many specialized transportation services in urbanized and rural areas as part of its social service programs.

U.S. DEPARTMENT OF JUSTICE (DOJ): Federal agency whose responsibilities include enforcing the provisions of the ADA which apply to private transportation providers.

U.S. DEPARTMENT OF LABOR (DOL): Federal agency responsible for waivers of the labor protection provisions of Section 138 of the Urban Mass Transportation Act of 1964, as amended.

U.S. DEPARTMENT OF TRANSPORTATION (DOT): Federal agency responsible for transportation.

USEFUL LIFE: The total productive time span of a piece of equipment, usually used with reference to vehicles.

USEFUL LIFE BENCHMARK: The expected lifecycle of a capital asset for a particular Transit Provider's operating environment, or the acceptable period of use in service for a particular Transit Provider's operating environment.

USER INFORMATION (SERVICE INFORMATION): Information on routes, fares, stopping places, schedules, and other aspects of service essential to the efficient use of public transit.

USER SIDE SUBSIDY: A subsidy in the form of a sum or a discount paid or applied directly to riders of a transportation system. For example, riders purchase taxi vouchers at a reduced cost from an entity which has purchased them at full value from a taxi system, and redeem the vouchers for full face value with the taxi system.

VANS (RAISED-ROOF): These vans are a version of the standard van, in which the original roof is removed and replaced by a raised-roof with a taller door unit, and modified seating. Such vehicles are usually equipped with a wheelchair lift, either side or rear entry. The tall roof and door permit easier access.

VANS (STANDARD): These vans are larger vans seating up to 14 ambulatory passengers. They are front-engine, rear-drive vehicles, with the driver's seat and front passenger seat alongside the engine, resulting in a short hood. Most have a separate body and frame and they are built on to chassis intended for commercial use. They can be equipped with a lift or ramp for wheelchair access, but typically the roof is then too low to permit easy access.

VANPOOL: A prearranged ridesharing service in which a number of people travel together on a regular basis (typically to and from work) in a van and share operating expenses and sometimes the driving role. Vanpools may be publicly operated, employer operated, individually owned or leased.

VEHICLE CAPACITY: The maximum number of passengers that the vehicle is designed to accommodate comfortably, seated and standing, including wheelchair spaces.

VEHICLE HOUR: The operation of one vehicle for a period of one hour.

VEHICLE MILE: The movement of one vehicle over a distance of one mile.

VEHICLE MILES TRAVELED (VMT): The total number of miles traveled by transit vehicles in a given period of time.

VEHICLE OCCUPANCY: The number of people aboard a vehicle at a given time.

VEHICLE SERVICE HOURS: The number of hours that each vehicle is available and ready to respond to trip requests, including layover time.

VOLUNTEER NETWORK: An organization that matches requests for transportation with a volunteer driver who is typically reimbursed on a per mile basis for providing the trip. Persons requesting service call the network; the network calls the driver and schedules the trip. Volunteer networks are frequently used in rural areas where resources are scarce, persons needing transportation may live in remote areas, and a sense of community is not uncommon.

WHEELCHAIR: A mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

WHEELCHAIR-ACCESSIBLE VEHICLE: A vehicle that a person using a wheelchair can enter, either using an on-board retractable lift or ramp or directly from a station platform.

WHEELCHAIR LIFT: A device used to raise and lower a platform that facilitates transit vehicle accessibility for wheelchair users and other handicapped individuals.

WOMEN'S BUSINESS ENTERPRISE (WBE): A business owned and controlled by one or more women, and requires certification by the appropriate agency to receive preferential treatment for state or federal projects.

ZONE: A defined geographic area. Zones are used in demand-responsive service for dispatching purposes and in fixed-route and demand-responsive service for fare determination. In *zonal demand-responsive service*, each vehicle travels only within a particular zone. Trips that originate in one zone and end in another involve a transfer at the zone boundary or a central transfer point. In a *zonal fare structure*, the service area is divided into zones, and the fare is determined according to the number of zones traveled (the higher the number of zones, the higher the fare). *Zone* can also be used to refer to the area in which a bus stops to serve a bus stop.

ZONE FARE: A method of pricing that is based on the geographical partitioning of the service area. Typically, an additional charge is incurred for each zone traveled.

Systems Engineering Analysis Process Prescribed in the FTA ITS Architecture Policy

FTA grantees are required to follow a systems engineering analysis in implementing an ITS project. Systems engineering reduces the risk of schedule and cost overruns and increases the likelihood that the implementation will meet the user's needs. If there are changes to the scope of the project, such changes must be reflected in the systems engineering analysis for it to be effective. The systems engineering analysis process is intended to address the risk associated with an ITS project because ITS projects often are not fully successful. This is especially true of ITS projects that include new technology, new software, new communications, or joint efforts with external partners.

FTA's ITS Architecture Policy (http://ops.fhwa.dot.gov/its_arch_imp/policy_2.htm) prescribes a seven step systems engineering analysis process that identifies the following:

1. Portions of the Regional ITS Architecture being implemented; show where the elements of the ITS project are in the Regional ITS Architecture.
2. Participating agency's roles and responsibilities; define for each participating agency.
3. Requirements definition. What functions will the ITS system need to perform?
4. Analysis of alternative system configurations and technology options to meet the requirements. What other options were examined?
5. Financing and procurement analysis. How will the ITS project be funded, procured and maintained?
6. ITS standards and testing; identify applicable ITS standards and testing procedures.
7. Procedures and resources necessary for operations and management. How will the ITS project be operated and maintained?

Risk Assessment

To determine whether or not an ITS project is low- or high-risk, FTA recommends assessing the following eight characteristics:

1. Jurisdiction. Does the ITS project include a single or multiple jurisdictions?
2. Software, commercial-off-the-shelf. Does the project require software development or can it rely entirely on existing and proven software?
3. Hardware. Does the project require development of hardware or does proven hardware exist?

4. Interfaces. Does the project require new interfaces or will it rely entirely on existing interfaces?
5. Requirements. Will the project's requirements be well defined and fully documented prior to procuring the system?
6. Procedures. Will the project's operating procedures be well documented prior to procuring the system?
7. Technologies. Does the project only use proven and stable technologies?
8. Staff experience. Does the staff implementing the project have prior experience with ITS procurement, implementation and operations?

Links to Additional Information about FTA ITS Architecture Requirements

- Federal Highway Administration 23 CFR Parts 655 and 940, Intelligent Transportation System Architecture and Standards; Final Rule and FTA National ITS Architecture Policy on Transit Projects; Notice, January 8, 2001:

http://ops.fhwa.dot.gov/its_arch_imp/archrule_final_1.htm

- FTA's National ITS Architecture Consistency Policy for Transit Projects web page:

<https://www.transit.dot.gov/research-innovation/national-its-architecture-consistency-policy-transit-projects>

Guidance for Developing a Cost Allocation Plan

This appendix is based on guidance developed by Sue Knapp, of KFH Group, Inc., for presentation to subrecipients of Maryland's Locally Operation Transit System (LOTS) funding programs at the 2003 conference of the Transportation Association of Maryland. It has been updated and is organized into the following major sections:

1. Cost Allocation Concepts and Methodologies
2. Allocating Transportation Costs to Various Funding Programs and/or Individual Routes or Services
3. Cost Allocation "Model"
4. Allocating "Local Share" to Multiple Jurisdictions
5. Recap of Procedures for Allocating Costs to Individual Routes
6. Additional Resources

1. COST ALLOCATION CONCEPTS AND METHODOLOGIES

Types of Cost Allocation Challenges

- Multi-purpose agency – allocating shared agency (administrative) costs to transportation.
- Allocating transportation costs to various funding programs (S.5311, S.5307, ADA, or other transportation funding programs).
- Allocating transportation costs to individual routes or services.
- Allocating "local share" to multiple jurisdictions.

Basic Principles

- Generally, the process should include all costs but may vary depending on purpose and grant rules.
- "Fully allocated costs" include vehicle and capital costs (depreciation).
- However, LOTS cannot include depreciation of federally/state-funded vehicles in costs charged against federal/state grants.
- Objectives: The process should:
 - fairly represent the actual cost of providing the service.
 - be relatively easy to apply and understand.
 - be based on available data.

Multi-Purpose Agency – Allocating Shared Agency (Administrative) Costs to Transportation

- Often referred to as agency “overhead” and is generally expressed as a percentage of direct costs.
- Used by agencies with grants from multiple funding sources to cover shared administrative costs (e.g., salary of the director, and costs of the administrative facility, agency-wide audit and accounting, and legal).
- Used to allocate “non-direct” agency costs that are not directly attributable to the delivery of services to the various grants or funding sources (e.g., Aging, Transportation, Head Start).
- Generally Federal funding programs require grantees to develop an approved “cost allocation” plan before charging these costs.

Example:

Total Agency Costs	\$550,000
<i>Direct Costs</i>	\$500,000
Nutrition program	\$175,000
Head Start	\$200,000
Transportation	\$125,000
<i>Indirect Costs</i>	\$ 50,000
Indirect Cost Rate	Indirect Costs / Direct Costs \$50,000 / \$500,000 = 10%
Allocated Costs	Direct Costs plus 10%
Nutrition program	\$175,000 + \$17,500 indirect = \$192,500
Head Start	\$200,000 + \$20,000 indirect = \$220,000
Transportation	\$125,000 + \$12,500 indirect = \$137,500

2. ALLOCATING TRANSPORTATION COSTS TO VARIOUS FUNDING PROGRAMS AND/OR INDIVIDUAL ROUTES OR SERVICES

There are two basic methods:

1. Directly Charge Costs

In order to directly charge costs to a particular program or service, agencies must have a mechanism in place to track actual costs for each program, service, or route.

2. Allocate Costs

In order to allocate costs to various programs or services, agencies must have a mechanism in place to track miles and hours by program, service, or route (should already be tracking for performance).

- Agencies often use a combination of directly charging some costs and “allocating” other costs.
- Which method is appropriate (and practical) can depend on whether the services/routes are distinct or divisible (so costs can be tracked easily).

3. COST ALLOCATION “MODEL”

If it is not possible to directly charge costs against services or grants, you can “allocate” costs based on the amount of resources needed to operate the services.

- Miles only – based on overall cost per mile
- Hours only – based on overall cost per hour
- Combination of miles and hours – MOST ACCURATE

Inputs

- Expenses by cost category
- Miles and hours of each route or service (total or revenue – just be consistent)

Process

1. Group costs into three categories:
 - **Fixed Costs** are constant over large increments of service (such as most administrative costs).
 - **Variable Costs dependent on Hours of Service** - vary with the hours of service provided (such as driver wages).
 - **Variable Costs dependent on Miles of Service** - vary with the miles of service provided (such as fuel and maintenance)
2. Calculate a **Fixed Cost Percentage** by dividing fixed costs by total direct variable costs (expressed as a percent).
3. Calculate **Hourly-Related Unit Cost Factor** by dividing hourly-related costs by number of hours.
4. Calculate **Mileage-Related Unit Cost Factor** by dividing mileage-related costs by number of miles.
5. Use the following “model” to allocate costs to various routes/service/grants. The allocated costs are the sum of the hourly-related costs, mileage-related costs and the fixed costs.

Model

This analysis uses a typical three variable cost model:

Allocated Costs = (1+Fixed Cost Percentage) x [(No. of Miles x Unit Cost Factor for Mileage-Based Variable Costs) + (No. of Hours x Unit Cost Factor for Hourly-Based Variable Cost)]

4. ALLOCATING “LOCAL SHARE” TO MULTIPLE JURISDICTIONS

- Used to determine contributions required by local jurisdictions to cover the “local share” of transportation costs.
- Generally allocate net costs (costs minus operating revenues). These costs include the local share of capital items.
- Sometimes possible to allocate costs directly (particularly for new services or services distinct to a particular jurisdiction).
- If cannot allocate costs directly, systems often allocate costs to jurisdictions based on relative miles or hours of service (e.g., if 20% of the system’s miles are in a jurisdiction, 20% of the costs are allocated to that jurisdiction).
- If routes/services are assigned to specific jurisdictions, can use any method above.
- Implies some control by jurisdictions over services operated on their behalf (elected officials may feel that they should specify the services operated in their areas because they are paying the local share on that service).

5. RECAP OF PROCEDURES FOR ALLOCATING COSTS TO INDIVIDUAL ROUTES

The following steps provide instructions on allocating your transportation costs using the “combination of miles and hours” cost allocation model.

1. Group transportation costs into three categories:
 - **Fixed costs** are constant over large increments of service (such as most administrative costs).
 - **Variable costs dependent on hours of service** - vary with the hours of service provided (such as driver wages).
 - **Variable costs dependent on miles of service** - vary with the miles of service provided (such as fuel and maintenance).
2. Add variable costs dependent on hours and miles of service to determine total direct variable costs.

3. Calculate a fixed cost percentage by dividing fixed costs by total direct variable costs (expressed as a percent).
4. Calculate hourly-related unit cost factor by dividing hourly-related costs by number of hours.
5. Calculate mileage-related unit cost factor by dividing mileage-related costs by number of miles.
6. Multiply the hourly-related unit cost by the number of hours attributed to each service or route.
7. Multiply the mileage-related unit cost by the number of miles attributed to each service or route.
8. Add the results of Steps 6 and 7 to determine the direct variable costs for each service or route.
9. Add the fixed cost percentage to 1 (for example, if the fixed cost percentage is 10 percent, adding this to 1 results in 1.10 percent, or 110 percent).
10. Multiply the results of Step 9 with the result of Step 8 to determine the allocated costs for each route. The allocated costs are the sum of the hourly-related costs, mileage-related costs, and the fixed costs.

An example of the use of this model is shown in the flowing table.

COST ALLOCATION MODEL USED:						
Fixed administrative costs are allocated as a percentage of overall transportation costs.						
Hourly-related costs (salaries, wages, and fringe benefits) are allocated by the number of hours.						
Mileage-related costs (fuel, oil, maintenance, repairs) are allocated by the number of miles.						
1. CALCULATION OF SYSTEM-WIDE UNIT COSTS						
	Annual Costs	Fixed Cost Percentage	Vehicle Hours	Hourly-related cost unit factor	Vehicle Miles	Mileage-related cost unit factor
<u>Direct Variable Costs</u>						
Hourly-related costs	\$1,100,000		50,000	\$22.00		
Mileage-related costs	\$276,000				684,000	\$0.404
Subtotal	\$1,376,000					
<u>Fixed Costs</u>	\$264,000	19.2%				
Total	\$1,640,000					
2. CALCULATION OF COSTS ALLOCATED TO EACH ROUTE OR SERVICE COMPONENT						
	1 + Fixed Cost Percentage	Vehicle Hours	Hourly-related costs	Vehicle Miles	Mileage-related costs	Allocated Costs
Route 1	1.19	9,000	\$198,000	126,000	\$50,842	\$296,585
Route 2	1.19	9,000	\$198,000	126,000	\$50,842	\$296,585
Route 3	1.19	7,000	\$154,000	98,000	\$39,544	\$230,677
Route 4	1.19	7,000	\$154,000	98,000	\$39,544	\$230,677
Route 5	1.19	4,000	\$88,000	56,000	\$22,596	\$131,816
Demand-response service	1.19	14,000	\$308,000	180,000	\$72,632	\$453,660
Total	1.19	50,000	\$1,100,000	684,000	\$276,000	\$1,640,000

6. ADDITIONAL RESOURCES

Comprehensive Financial Management Guidelines for Rural and Small Urban Public Transportation Providers, prepared for AASHTO/MTAP (1992), Chapters 12 and 13:
<http://www.fdot.gov/ctd/docs/DoingBusinessDocs/MTAP19920921.pdf>

Toolkit for Rural Transit Planning: Five-Year Operations and Financial Plan, Texas Transportation Institute (2012), Chapter 6 (pp. 98-112):
<https://tti.tamu.edu/group/transit-mobility/files/2012/11/Toolkit-with-Appendix-for-Rural-Transit-Operations-and-Financial-Planning-Final.pdf>

“Transit System Cost Allocation and Pricing,” Small Urban & Rural Transit Center, Technical Assistance Workshop presentation slides (2004):
<http://www.surtc.org/cctm/sect2/downloads/FinalCost.pdf>

Transportation By the Numbers, a self-study workbook for human service transportation providers, downloadable through:
<http://www.nadtc.org/resources-publications/transportation-by-the-numbers/>

PERFORMANCE INDICATOR DATA REQUIREMENTS AND INTERPRETATION

Performance Indicator	Required Data	Interpretation/Possible Actions
Operating Cost per Hour	<ul style="list-style-type: none"> Total operating cost – from accounting function. Total service hours – service hours calculated as the time from when the driver pulls out for service until the driver returns from service; data obtained from computerized scheduling/dispatch system reports or driver trip sheets. 	<p>High operating cost <i>per hour</i> may result from a number of factors, including high costs for operations (e.g., high administrative overhead; high maintenance costs from an older fleet, problem vehicles; high labor costs due to driver absenteeism, pay scales, etc.) and/or an inefficient number of service hours resulting from, for example, scheduling practices that result in excessive deadhead, misplaced break/lunch times for drivers requiring excess relief drivers, etc.</p> <p>Possible actions to improve performance might include:</p> <ul style="list-style-type: none"> Lowering operating costs (e.g., reduce maintenance costs through improved preventive practices; coordination of maintenance with other local transportation providers; using more part-time drivers; streamlining administrative tasks with computer applications). Improve labor productivity, e.g., through greater supervision, more part-time labor particularly drivers; Improve scheduling to reduce deadhead, minimize need for relief drivers.
Operating Cost per Mile	<ul style="list-style-type: none"> Total operating cost – from accounting function. Total service miles – calculated as miles from driver pull-out to driver pull-in, which includes deadhead mileage; data from computerized scheduling/dispatch system reports or driver trip sheets, maintenance data. 	<p>High operating cost <i>per mile</i> may result from various factors, including similar reasons as listed above for high costs for operations, and low operating speeds.</p> <p>Possible actions to improve performance might include:</p> <ul style="list-style-type: none"> Lowering operating costs (as above). Increase operating speed (e.g., assess bus stop placement to ensure low-use stops consolidated with others; review policies to reduce dwell times, such as fare payment schemes for fixed-route service, waiting time policy for demand-response services).

Performance Indicator	Required Data	Interpretation/Possible Actions
Operating Cost per Passenger Trip	<ul style="list-style-type: none"> Total operating cost – from accounting function. Total passenger trips (also called “total ridership”; each passenger boarding is counted as one passenger trip) – data obtained from computerized scheduling/dispatch system reports or driver logs, dispatch records. 	<p>High operating cost per passenger trip may result from high costs for operations and/or low ridership levels.</p> <p>Possible actions to improve performance might include:</p> <ul style="list-style-type: none"> Lowering operating costs (as outlined above). Increase ridership through such actions as fare incentives, marketing activities, targeted efforts to employers to increase work trip transit use, improve service (greater on-time performance, improved reliability, cleaner vehicles, etc.), assess routing structure for new options to improve ridership potential, better grouping of passengers for demand-response services, etc.
Local Operating Revenue Ratio	<ul style="list-style-type: none"> Total farebox receipts – obtained from computerized scheduling/dispatch system reports or driver trip sheets and accounting. Other local revenue including, for example, contract revenues, advertising revenues, fare buy-down programs from local organizations, local government support or contributions. Total operating cost – from accounting function. 	<p>A low local operating revenue ratio can stem from high operating costs and low farebox receipts and limited other local financial support for transit.</p> <p>Actions to improve performance could include:</p> <ul style="list-style-type: none"> Lowering operating costs (as outlined above). Increasing ridership to improve farebox recovery (as outlined above). Assess fare structure to ensure fares are adequate, not too low. Driver training to ensure drivers collect all required fares. Consider bus advertising, e.g., interior, exterior, bus “wraps.” Look for increased opportunities for contract work. Network in community for possible public-private partnerships, so local organizations might provide financial support for transit in exchange for direct benefits (e.g., advertisement on transit brochure, routing that serves new shopping area, etc.). Work with local government and decision-makers to ensure they understand benefits of public transit and encourage financial support.
Farebox Recovery Ratio	<ul style="list-style-type: none"> Total farebox receipts – data from computerized scheduling/dispatch system reports or driver trip sheets, accounting. Total operating cost – from accounting function. 	<p>Low farebox recovery is related to high operating costs and low farebox receipts and ridership.</p> <p>Actions to improve performance are similar to those listed above for local operating revenue ratio that relate to operating costs and farebox receipts.</p>

APPENDIX G

Performance Indicator	Required Data	Interpretation/Possible Actions
Passenger Trips per Mile	<ul style="list-style-type: none"> Total passenger trips – from computerized scheduling/dispatch system reports or driver trip sheets, dispatch records. Total service miles – from computerized scheduling/dispatch system reports or driver trip sheets, maintenance records. 	<p>Low <i>passenger trips per mile</i> may result from low ridership levels and/or high vehicle mileage in service that is not productive.</p> <p>Actions to improve performance include:</p> <ul style="list-style-type: none"> • Actions listed above to increase ridership. • Assess deadhead mileage for possible reductions. • Review route structures to consider elimination of segments that are not carrying riders. • Review trips to consider elimination of trips that are not carrying riders.
Passenger Trips per Hour	<ul style="list-style-type: none"> Total passenger trips – from computerized scheduling/dispatch system reports or driver trip sheets, dispatch records. Total service hours – from computerized scheduling/dispatch system reports or driver trip sheets. 	<p>Low <i>passenger trips per hour</i> may result from low ridership levels and /or high number of service hours that are not productive.</p> <p>Actions to improve performance include:</p> <ul style="list-style-type: none"> • Actions listed above to increase ridership. • Assess possible reductions in deadhead time. • Review ridership levels during lower ridership times of the day or week (e.g., evening trips; Saturday/Sunday trips) for possible elimination to reduce service hours.

Maryland State Highway Administration (SHA) Standards for Signs Pertaining to Bus Stops

The following sign standards are from the Maryland *Standard Sign Book*, as accessed on the SHA website in October 2016. The *Standard Sign Book* provides design details for standard signs to be used along Maryland highways in a format that is user friendly to fabricators, technicians and engineers. All signs used along Maryland roadways open to the public must conform to the *Standard Sign Book*. The standards are provided in PDF format and can be found through:

http://apps.roads.maryland.gov/BusinessWithSHA/bizStdsSpecs/desManualStdPub/publicationonline/oofs/internet_signbook.asp

The following SHA bus stop-related sign standards are included in this appendix:

- Sign Number R3-5(3) – “Except Transit Vehicles”
- Sign Number R7-107 – “No Parking”
- Sign Number R7-107a – “No Parking (With Transit Logo)”
- Sign Number R7-3(2) – “No Parking (Symbol) Bus Stop”
- Sign Number R7-4(9) - “Bus Stop (Symbol) - No Standing Anytime”

Sign Number R3-5(3) – “Except Transit Vehicles”



SIGN SIZE	DIMENSIONS (INCHES)							
	A	B	C	D	E	F	G	H
MIN	12	9	3/8	3/8	1-1/2	1-1/4D	1-1/8	1-1/2
STD	24	18	3/8	5/8	3	3D	1-1/2	1-1/2
EXPWY	30	24	1/2	3/4	4	4D	2	1-7/8
SPECIAL	18	12	3/8	5/8	2	2D	1	1-1/2

REFERENCES

MdMUTCD SECTION - 2B.36

COLORS

LEGEND - BLACK
BACKGROUND - WHITE

APPROVED _____ Tom Hicks (signature on file)
DIRECTOR - OFFICE OF TRAFFIC AND SAFETY



APPROVAL • SHA REVISIONS	APPROVAL • FEDERAL HIGHWAY ADMINISTRATION
APPROVAL 03022009	APPROVAL
REVISED	REVISED
REVISED	REVISED
REVISED	REVISED

Maryland Department of Transportation
STATE HIGHWAY ADMINISTRATION
MARYLAND STANDARD HIGHWAY SIGNS

EXCEPT TRANSIT VEHICLES

SIGN NUMBER

R3-5(3)

Sign Number R7-107 – “No Parking” and

Sign Number R7-107a – “No Parking (With Transit Logo)”



TOP LEFT
COLORS: LEGEND — WHITE (RETROREFLECTIVE)
BACKGROUND — RED (RETROREFLECTIVE)

TOP RIGHT
COLORS: LEGEND — RED (RETROREFLECTIVE)
BACKGROUND — WHITE (RETROREFLECTIVE)

BOTTOM
COLORS: LEGEND — RED (RETROREFLECTIVE)
BACKGROUND — WHITE (RETROREFLECTIVE)

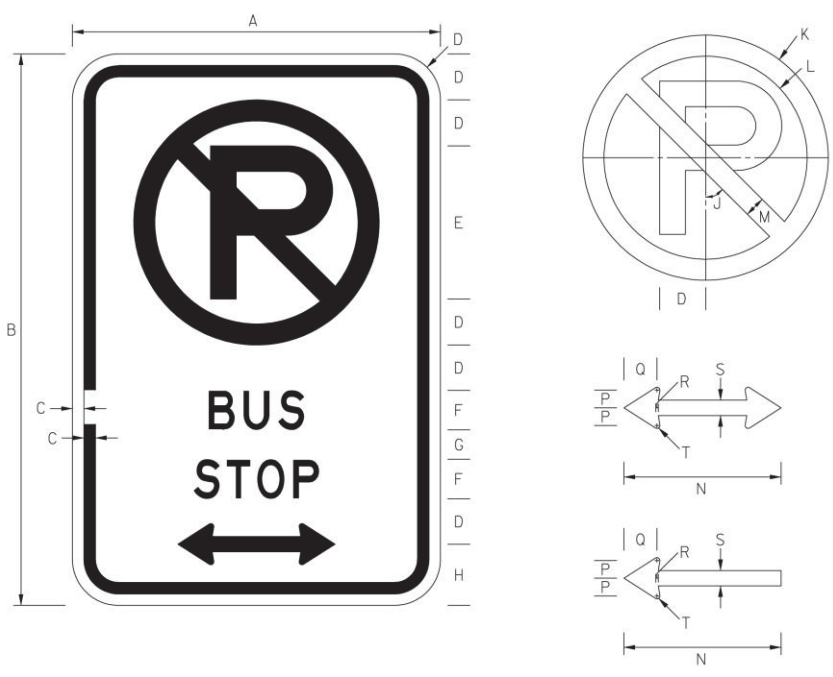
COLORS: LEGEND, CIRCLE & DIAGONAL — RED (RETROREFLECTIVE)
SYMBOLS, LOGO — BLACK
ARROW — RED
BACKGROUND — WHITE (RETROREFLECTIVE)

SHA * FOR ARROWHEAD DIMENSIONS REFER TO STANDARD ARROW
DETAILS IN APPENDIX-ARROWS SECTION FROM FHWA'S
STANDARD HIGHWAY SIGNS BOOK-APPENDIX SECTION.

SHA ** FOR SYMBOL DESIGN REFER TO THE APPENDIX-GRID
SECTION FROM FHWA'S STANDARD HIGHWAY SIGNS
BOOK-APPENDIX SECTION

SHA SIGN SHALL NOT BE USED ALONG STATE OWNED,
OPERATED AND MAINTAINED ROADWAYS.

Sign Number R7-3(2) – “No Parking (Symbol) Bus Stop”



SIGN SIZE	DIMENSIONS (INCHES)								
	A	B	C	D	E	F	G	H	J
STD	12	18	3/8	1-1/2	5E	1-1/4D	1	2	45°

SIGN SIZE	DIMENSIONS (INCHES)								
	K	L	M	N	P	Q	R	S	T
STD	4	3-5/16	11/16	5-1/8	37/64	1-5/64	5/64	1/2	3/32

REFERENCES

MdMUTCD SECTION - 2B.39, 2B.40, 2B.41, 7B.14

COLORS

LEGEND, CIRCLE & DIAGONAL - RED

BACKGROUND - WHITE

LETTER 'P' - BLACK

APPROVED Tom Hicks (signature on file)
DIRECTOR - OFFICE OF TRAFFIC AND SAFETY

Maryland Department of Transportation
STATE HIGHWAY ADMINISTRATION
 MARYLAND STANDARD HIGHWAY SIGNS

NO PARKING (SYMBOL) BUS STOP

SHA
State Highway Administration

APPROVAL • SHA REVISIONS	APPROVAL • FEDERAL HIGHWAY ADMINISTRATION
APPROVAL 03022009	APPROVAL
REVISED	REVISED
REVISED	REVISED
REVISED	REVISED

SIGN NUMBER **R7-3(2)**

Sign Number R7-4(9) - "Bus Stop (Symbol) - No Standing Anytime"



NOTES:

1. FOR ARROW DIMENSIONS REFER TO R7-200(1) FOR "MIN" ARROW AND R7-4(1) FOR "STD" ARROW.
2. FOR SYMBOL DESIGN CONTACT SHA SIGN SHOP.

SIGN SIZE	DIMENSIONS (INCHES)									
	A	B	C	D	E	F	G	H	J	K
MIN	12	18	3/8	3/8	10-5/8	2B	1-1/2	6	9/16	1-1/4
STD	18	24	3/8	5/8	13-11/16	3B	1-1/2	8	7/16	1-1/2

SIGN SIZE	DIMENSIONS (INCHES)								
	L	M	N	P	Q	R	S	T	U
MIN	3/16	1/2	1-3/4B	1-1/8	1-1/4D	I	1/2	1-5/8	3-1/4
STD	3/8	7/8	2-1/2B	1-1/2	2D	1-1/4	3/4	2-1/16	5

REFERENCES

MdMUTCD SECTION - 2B.39, 2B.40, 2B.41, 7B.14

COLORS

LEGEND

TOP - WHITE
BOTTOM - RED

BACKGROUND

TOP - BLUE
BOTTOM - WHITE

APPROVED _____ Tom Hicks (signature on file)
DIRECTOR - OFFICE OF TRAFFIC AND SAFETY



APPROVAL • SHA REVISIONS	APPROVAL • FEDERAL HIGHWAY ADMINISTRATION
APPROVAL 03022009	APPROVAL
REVISED	REVISED
REVISED	REVISED
REVISED	REVISED

Maryland Department of Transportation
STATE HIGHWAY ADMINISTRATION
MARYLAND STANDARD HIGHWAY SIGNS

BUS STOP (SYMBOL) - NO STANDING ANYTIME

SIGN NUMBER

R7-4(9)

Selected FMCSA and Maryland Motor Carrier Requirements that May Apply to Your Organization

The information in the following table is provided by MTA as technical assistance to Maryland's Locally Operated Transit Systems (LOTS). These requirements are under the purview of the Federal Motor Carrier Safety Administration (FMCSA), the Maryland Motor Carrier Division of the Maryland State Highway Administration (SHA), the Maryland Public Service Commission (PSC), and the Motor Vehicle Administration (MVA), and enforced by the Maryland State Police, not FTA or MTA. These requirements are not imposed through the MTA funding programs. However, MTA advises all LOTS, as well as their operations contractors, that they have a responsibility to learn the FMCSA, Maryland Motor Carrier, MVA, and PSC requirements that may apply to their particular operations and vehicles. The requirements introduced below are not exhaustive, and organizations with commercial vehicles should contact the Maryland SHA Motor Carrier Division and/or the FMCSA to obtain guidance:

If your transportation services operate entirely within the State of Maryland	If your transportation services cross state lines
Maryland State Highway Administration (SHA), Motor Carrier Division 1-800-543-4564 or 410-582-5734 http://www.mdot.maryland.gov/newMDOT/MotorCarrier/index.html	Federal Motor Carrier Safety Administration (FMCSA) 1-800-832-5660 or 410-962-2889 http://www.fmcsa.dot.gov/

Disclaimer: The following information, provided as a technical assistance courtesy, was compiled based on the careful review of the FMCSA and Maryland Motor Carrier/MVA/PSC regulations as of December 2016, as well as FMCSA and Maryland Motor Carrier Division technical assistance resources. This information should only be used as an introduction, and the extent to which each requirement may apply to your organization will depend on the specific circumstances of your organization, transportation funding sources, vehicles, and operating characteristics. The MTA advises its subrecipients to contact the Maryland Motor Carrier Division directly to obtain complete and up-to-date information and to determine applicability to your organization's transportation program.

Selected FMCSA and Maryland Motor Carrier Requirements that May Apply to Your Organization

Requirement	Vehicles with GVWR over 10,000 lbs	Vehicles designed to seat 9 – 15 including the driver	Vehicles designed to seat 16 or more including the driver
Operating Authority/ US DOT Number if interstate or MD DOT Number if intrastate only – organization must have (49 CFR Part 365)	Yes	Yes if operating for compensation (<i>direct or indirect – includes grant funding for transportation</i>) or over 10,000 lbs GVWR	Yes
Commercial Driver's License – driver must have, employer must verify (49 CFR Part 383)	Only if GVWR exceeds 26,000 lbs	Only if GVWR exceeds 26,000 lbs	Yes
US DOT Physical – driver must have, employer must verify (49 CFR Part 391)	Yes	Only if operating for direct compensation, or over 10,000 lbs GVWR	Yes
Pre-Employment Checks for Drivers – employer must conduct <ul style="list-style-type: none"> • Background checks • Road test (49 CFR Part 391)	Yes	Only if operating for direct compensation, or over 10,000 lbs GVWR	Yes
Pre-Employment and Annual D&A Queries for Drivers – employer must query drug and alcohol safety violations at other employers (in the future, via federal clearinghouse; currently, only required pre-employment via past employer inquiries) (Docket No. 2016-27398)	Applies to all safety-sensitive functions for LOTS that receive 5307, 5309 or 5311*; otherwise, only for CDL drivers (if GVWR exceeds 26,000 lbs)	Applies to all safety-sensitive functions for LOTS that receive 5307, 5309 or 5311*; otherwise, only for CDL drivers (if GVWR exceeds 26,000 lbs)	Yes

Requirement	Vehicles with GVWR over 10,000 lbs	Vehicles designed to seat 9 – 15 including the driver	Vehicles designed to seat 16 or more including the driver
Drug & Alcohol Testing Program – employer must conduct pre-employment, post-accident, random, reasonable cause, and return-to-duty testing (49 CFR Parts 40 and 382-unless subject to more rigorous FTA program requirements under Part 655*)	Applies to all safety-sensitive functions for LOTS that receive 5307, 5309 or 5311*; otherwise, only for CDL drivers (if GVWR exceeds 26,000 lbs)	Applies to all safety-sensitive functions for LOTS that receive 5307, 5309 or 5311*; otherwise, only for CDL drivers (if GVWR exceeds 26,000 lbs)	Yes
Driver Training – drivers with under 1 year of operating a CDL vehicle in interstate commerce must have entry-level driver training; beginning in 2020, this training must be provided by a FMCSA-registered trainer (49 CFR Part 380)	Only if GVWR exceeds 26,000 lbs and crossing state lines	Only if GVWR exceeds 26,000 lbs and crossing state lines	Only if crossing state lines
Maximum Driving Time for Drivers of Commercial Vehicles (49 CFR Part 395)	Yes	Only if operating for direct compensation, or over 10,000 lbs GVWR	Yes
Commercial Vehicle Inspection, Repair, and Maintenance (49 CFR Part 396)	Yes	Only if operating for direct compensation, or over 10,000 lbs GVWR	Yes
Preventive Maintenance Standards for Multipurpose Passenger Vehicles and Passenger Buses (COMAR Title 11, 11.22.03)	Depends on seating capacity and ownership	Only if owned by the State or ant political subdivision and seats 10 or more	Yes

*If your organization also receives FTA funding under Sections 5307, 5309, 5311, or 5339 program, you are subject to the more rigorous FTA Drug and Alcohol Testing requirements under 49 CFR Part 655).

Minimum Insurance Levels that May Be Required for Your Organization

Requirement	Vehicles designed to seat 7 or fewer including the driver	Vehicles designed to seat 8 – 15 including the driver	Vehicles designed to seat 16 or more including the driver
Minimum Levels of Financial Responsibility for Motor Carriers (49 CFR Part 387), Subpart B—Motor Carriers of Passengers - If crossing state lines and operating for compensation (<i>direct or indirect – includes grant funding for transportation</i>)	<p>If funded by FTA Section 5307, 5310, or 5311 grant, the highest level required for any States operated in (<i>per 49 U.S. Code § 31138</i>).</p> <p>If none of these grants apply:</p> <p>minimum \$1,500,000</p> <p><i>Exception: single daily round trip work commute</i></p>	<p>If funded by FTA Section 5307, 5310, or 5311 grant, the highest level required for any States operated in (<i>per 49 U.S. Code § 31138</i>).</p> <p>If none of these grants apply:</p> <p>minimum \$1,500,000</p> <p><i>Exception: single daily round trip work commute</i></p>	<p>If funded by FTA Section 5307, 5310, or 5311 grant, the highest level required for any States operated in (<i>per 49 U.S. Code § 31138</i>).</p> <p>If none of these grants apply:</p> <p>minimum \$5,000,000</p>
Minimum Insurance Requirements for Maryland Intrastate Only Operations (COMAR Title 20, 20.95.01.18 – applies to carriers requiring a PSC permit)	<ul style="list-style-type: none"> \$50,000 for injury to one person, \$100,000 for injuries to 2+ persons, and \$20,000 for property damage <p>OR \$120,000 combined single limit.</p>	<ul style="list-style-type: none"> \$75,000 for injury to one person, \$200,000 for injuries to 2+ persons, and \$50,000 for property damage <p>OR \$250,000 combined single limit.</p>	<ul style="list-style-type: none"> \$75,000 for injury to one person, \$400,000 for injuries to 2+ persons, and \$100,000 for property damage <p>OR \$500,000 combined single limit.</p>

ADDITIONAL RESOURCES

Federal Requirements

FMCSA Small Passenger-Carrying Vehicles web page

<https://www.fmcsa.dot.gov/registration/small-passenger-carrying-vehicles>

FMCSA “Overview of Federal Requirements Interstate 9 to 15 Passenger Vehicles” brochure

https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/9-15-Passenger_Vehicle_Brochure_508.pdf

FMCSA “Licensing and Insurance Requirements for For-Hire Motor Carriers of Passengers” brochure

<https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/365-387-LI-Req-PCS-eng.pdf>

49 CFR, Subtitle B, Chapter III—Federal Motor Carrier Safety Administration, Department of Transportation

<http://www.ecfr.gov/cgi-bin/text-idx?SID=7ef7f713def1d71cd970806fa5e59172&mc=true&tpl=/ecfrbrowse/Title49/49CIIIsubchapB.tpl>

Amendment to 49 CFR Part 387, §387.33 Financial responsibility, minimum levels that applies state-level insurance minimums instead of interstate minimums for interstate services funded by Section 5307, 5310 and 5311:

<http://www.ecfr.gov/cgi-bin/text-idx?SID=acd1d2a81e17d429d94f0a72956139df&mc=true&node=20130823y1.64>

(See also 49 U.S. Code § 31138)

CTAA’s FMCSA Resource Webpage:

<http://web1.ctaa.org/webmodules/webarticles/anmviewer.asp?a=344>

CTAA’s “Figuring Out the Federal Motor Carrier Safety Administration (FMCSA) Regulations: Do They Apply and What to Do if the Answer Is “Yes””:

http://web1.ctaa.org/webmodules/webarticles/articlefiles/Texas_FMCSA_issues.pdf

National Cooperative Highway Research Program (NCHRP) Research Results Digest 311: *FMCSA Regulations as They Apply to FTA Section 5310/5311 Providers: A Handbook* (2006):

http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rrd_311.pdf

State Requirements

COMAR Title 11 - Department of Transportation

Subtitle 21 Motor Vehicle Administration - Commercial Motor Vehicles

http://www.dsd.state.md.us/COMAR/subtitle_chapters/11_Chapters.aspx

Incorporates FMCSA requirements by reference, extends some federal requirements for interstate operations to intrastate operations.

Maryland Motor Carrier Handbook

<http://www.sha.maryland.gov/OOTS/motorcarrierhandbook.pdf>

Title 11 - Department of Transportation

Subtitle 22 Motor Vehicle Administration—Preventive Maintenance Program

11.22.03 Preventive Maintenance Standards for Multipurpose Passenger Vehicles and Passenger Buses

http://www.dsd.state.md.us/COMAR/subtitle_chapters/11_Chapters.aspx

Maryland Preventive Maintenance Program

http://www.mdot.maryland.gov/newMDOT/Motor_Carrier/PM_Program.html

Maryland PM Inspection Form for Passenger Buses

<http://www.mdot.maryland.gov/Office%20of%20Maryland%20Motor%20Carrier%20Program/Documents/Passenger%20Bus%20Preventive%20Maintenance%20Report.pdf>

Maryland PM Handbook

Order from the **Division of State Documents** for a nominal fee
(410) 974-2486 or (800) 633-9657 (toll-free within Maryland only)
Order form: <http://www.dsd.state.md.us/PDF/InfoSheet.pdf>

Maryland Public Service Commission, Transportation Division

<http://www.psc.state.md.us/transportation/>

(410) 767-8000 or (800) 492-0474

COMAR Title 20 - Public Service Commission

Subtitle 95 Transportation

20.95.01 General

http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=20.95.01.*

Memorandum of Understanding

Between the

**Federal Transit Administration
American Association of State Highway and Transportation Officials
American Public Transportation Association
Community Transportation Association of America**

In Regard to the

FTA Model Transit Bus Safety and Security Program

Introduction

The Federal Transit Administration (FTA) has developed a Model Transit Bus Safety and Security Program in cooperation with the American Public Transportation Association (APTA), the Community Transportation Association of America (CTAA), the American Association of State Highway and Transportation Officials (AASHTO), and other representatives from the transit bus industry. This effort has culminated in a draft Program¹ that has been accepted in principle by the FTA and its industry partners.

This Memorandum of Understanding is an agreement in principle to:

- **Promote the Model Transit Bus Safety and Security Program**
- **Provide support to further the Program**
- **Assess the activities of the signing parties' constituents in implementing the Program.**

The four partner organizations' representatives signify the acceptance of the Model Program and demonstrate the commitment of their organizations to its objectives by their signatures to this Memorandum of Understanding.

Model Transit Bus Safety and Security Program Elements

The Model Program contains two general categories of Program elements: ***Core Safety Program Elements*** and ***Enhanced Safety Program Elements***. Collectively, these elements define the comprehensive FTA Model Transit Bus Safety and Security Program.

¹ The Model Program will be published as an FTA report in response to National Transportation Safety Board recommendations (PB98-917006, NTSB/SIR-98/03).

Core Safety Program Elements are the safety program elements that all transit providers should implement. Core elements apply to all Section 5307 and 5311 transit providers. As the size and resources of the transit provider increase or as operational experience indicates additional needs, the transit provider should implement applicable Enhanced Safety Program Elements. In cases where service is contracted with 5307 or 5311 funds, the grantee shall ensure that the contractor would implement the core and enhanced safety program elements as applicable. Section 5310 provider participation in a safety and security program is subject to state discretion however Section 5310 provider participation is encouraged.

The degree of applicability is largely dependent on operations. The scope of applicability will be defined in the individual technical assistance materials.

The Core Safety Program Elements include:

- Security
- Driver/Employee Selection
- Driver/Employee Training
- Vehicle Maintenance
- Drug and Alcohol Abuse Programs
- Safety Data Acquisition and Analysis.

Enhanced Safety Program Elements improve the transit provider's safety program beyond the Core Safety Program Elements. Transit providers in urban areas typically include these elements. Other transit providers should expand their safety program as their services, resources, and infrastructures grow to include Enhanced Safety Program Elements as a part of a continuous improvement approach to transit bus safety and security. The Enhanced Safety Program Elements are grouped into three general categories:

- **Safety Process-Centric Elements** – These elements focus on understanding the safety issues within the transit bus operations (accidents, incidents, and hazards) so that resources can be properly directed.
- **Human-Centric Elements** – These elements focus on processes or procedures that are directed toward driver and employee safety issues.
- **Infrastructure and Equipment-Centric Elements** – These elements address safety issues related to the transit system vehicles and general infrastructure.

Attachment A to this Memorandum contains additional definitions of the Core Safety Program Elements and additional information about the Enhanced Safety Program Element categories.

Implementation Approach

The Partners agree that the voluntary approach to implementation will be used to assess transit provider implementation of the Model Program requirements. The voluntary approach to implementation requires good faith efforts on the part of grantees and the national partner organizations with an expectation that the absence of a more formal regulatory structure will not be detrimental to overall Model Program objectives.

Under the voluntary approach, implementation is expected on a voluntary basis – a regulatory or contractual directive for implementation of the Model Program for transit system grantees (and sub-recipients) is not proposed by FTA. However, if the FTA determines that this approach to implementation is not satisfactory for ensuring implementation, the FTA reserves the right to revisit the

issue of the Implementation Approach. States, however, do have the right to adopt more prescriptive requirements.

Examples of acceptable approaches include those developed by the partners, individual DOTs, insurance pools, and other industry groups.

Some of these programs include the following:

- APTA's Bus Safety Management Program
- CTAA's Community Transportation Training and Safety Review Program
- Bus Safety programs developed by state transportation departments
- Safety programs of insurance pools
- Fleet safety program of the National Safety Council
- Safety program guidelines of transit management training programs
- Local transit operating agency safety programs and procedures

FTA and its Partners recognize that under the voluntary approach there is no single safety model within the industry which must be adopted by transit systems or states overseeing such systems. The key agreement in this understanding is that the appropriate safety elements for the type of transit system be developed and implemented. In other words, any model which embraces the appropriate core elements will comply with the intent of the FTA approach. Examples of acceptable approaches could include those developed by the Partners, individual DOTs, insurance pools and other industry groups.

In regards to bus safety and security programs, FTA Triennial Reviews and State Management Reviews will identify areas of concern relative to the voluntary compliance practices and specify recommended improvements rather than audit compliance on a “comply/not comply” basis.

Role of the FTA and the States in Assessing Transit Provider

The FTA will assess implementation with the Model Transit Bus Safety and Security Program by its direct grantees through the Triennial Review Program or another similar approach.

The States will assess the implementation of the Model Transit Bus Safety and Security Program by their Section 5311 sub-recipients in a manner similar to that which the States use for assessing sub-recipient compliance with other FTA requirements. Section 5310 grantees would be exempt from the Model Program requirements, but encouraged to implement the Core Safety Program Elements.

FTA and the States will conduct these assessments in a cooperative and positive manner with the grantees, promoting a proactive environment to assist transit systems in meeting the Model Program requirements.

FTA Technical Assistance and Outreach

The FTA, in cooperation with the Partners, will develop and disseminate appropriate technical assistance and outreach materials to be used by the FTA staff, the Partners, and the transit system grantees in implementing the Model Program. FTA efforts will include training through the Transportation Safety Institute (TSI), the National Transit Institute (NTI) and other activities, to the extent possible. Attachment B contains additional descriptions of anticipated FTA technical assistance and outreach.

Responsibility of All Parties in Promoting the Program

The Partners to the Model Program will actively **promote** the Program and its objectives; will provide **support** to further the Program; and will **assess** the activities and performance of their constituents in implementing the Model Program. These efforts will incorporate all reasonable actions necessary to ensure good faith efforts by transit providers in developing and maintaining their own Transit Bus Safety and Security Programs.

Commitment to Program Improvement Efforts

The Partners will review the Model Program on a regular basis and revise it, as appropriate, to meet the objectives of furthering transit bus safety and security. The Partners agree to meet on a regular basis to discuss positive aspects of the Program, along with areas needing improvement. The Partners also agree to implement those changes to the Program, as appropriate, to continue to enhance transit bus safety and security.

Federal Transit Administration

American Public Transportation Association

American Association of State Highway and
Transportation Officials

Community Transportation Association of America

American Association of State Highway and
Transportation Officials
Standing Committee on Public Transportation

Date _____

Attachment A

Safety and Security Program Elements FTA Model Transit Bus Safety and Security Program

The comprehensive requirements for the FTA Model Transit Bus Safety and Security Program consist of two parts; (1) the core safety program elements and (2) enhanced safety program elements.

The concept of a core safety program element is simply a safety activity that **every** transit bus provider should be doing as part of a minimum safety and security program. Core safety program elements should receive adequate resources to support these core activities. While all activities are subject to resource limitations, these core safety and security activities should be a high priority in resource allocation.

All transit providers should implement the core safety program elements as the minimum acceptable approach to transit bus safety. The remaining “enhanced” elements of the comprehensive safety and security program should be incorporated into safety efforts as needs are identified and resources are available.

The concept of an enhanced safety program element is used to describe safety and security activities that go beyond the scope of the core requirements. Enhanced program elements are those safety and security activities that will enhance safety and security program effectiveness for the larger and more complex transit bus providers. The transit provider’s safety and security program should grow with the transit provider’s services, resources, and infrastructure to continuously and proactively manage safety throughout their operations.

Large transit bus providers, with adequate resources, typically have a need for all or most of these enhanced elements in their safety and security programs. Smaller transit bus providers should incorporate these enhanced elements as their size and/or responsibilities grow or as the need is indicated by operational safety and security experience to further improve their safety program.

The following table lists the program elements for the comprehensive FTA Model Transit Bus Safety and Security Program. Core program elements are identified in the table and are further defined in the paragraphs following the table. Enhanced elements are further described in the FTA report defining the Model Program. This attachment describes the current delineation of core and enhanced program elements. However, FTA may, from time to time, redesignate the core and enhanced program elements as indicated by industry needs.

Safety and Security Program Elements
FTA Model Transit Bus Safety and Security Program

<p>Security*</p> <p>Safety Process-Centric Elements</p> <ul style="list-style-type: none"> • Safety Data Acquisition/Analysis* • Accident/Incident Reporting & Investigation • Hazard Identification/Resolution Process • Emergency Response Planning, Coordination and Training • Internal Safety Audit Process <p>Human-Centric Elements</p> <ul style="list-style-type: none"> • Driver/Employee Selection* • Driver/Employee Training* • Drug & Alcohol Abuse Programs* • Employee Safety Program • Fitness for Duty (additional requirements beyond the drug and alcohol FFD requirements) 	<ul style="list-style-type: none"> • Rules/Procedures Review • Contractor Safety Coordination <p>Infrastructure & Equipment-Centric Elements</p> <ul style="list-style-type: none"> • Vehicle Acquisition • Vehicle Maintenance* • Facilities Inspections • Maintenance Audits/Inspections • Hazardous Materials Program • Alternative Fuels and Safety • System Modification Review/Approval Process • Interdepartmental/Interagency Coordination • Configuration Management • Procurement • Operating Environment and Passenger Facility Management • Dedicated Busway or Roadway Inspection and Maintenance <p>* Core Safety Program Element</p>
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Core Safety and Security Program Element Descriptions

Security: The security of passengers and employees is paramount to promoting the objectives of the FTA and its partner organizations in developing a Model Program. Transit providers must take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, employees and equipment/facilities. To further this objective, transit providers will need to develop security plans and procedures and emergency response plans and procedures. The plans must include coordination with local law enforcement and with other regional transit providers, the conduct of exercises for their emergency plans, and assessment of critical assets and measures to protect these assets.

Driver/Employee Selection: Driver selection is critical to safe transit operations. The driver of a transit vehicle is directly responsible for the safety of their passengers and other motorists that share the road with transit buses. The transit provider should have a clear definition of driver qualifications and background. This applies to all safety-critical employees, both paid and volunteer.

Driver/Employee Training: Once qualified candidates are identified and hired, initial and on-going training is critical to insure proper operations and adherence to the transit providers' rules and regulations. Proper qualification of operating and maintenance personnel is a vital part of a safe transit environment. Driver training should address specific safety-related issues appropriate to the type of vehicle and driving assignment including fitness for duty.

Vehicle Maintenance: Proper maintenance of vehicles and equipment is critical to the continued safe operation of the transit system. Unsafe vehicles present unnecessary hazards to the driver, passengers, and other vehicles on the road. Basic vehicle maintenance practices must regularly address safety-related vehicle equipment to ensure that no unsafe vehicles are dispatched for service.

Drug and Alcohol Abuse Programs: Since many transit providers receive FTA operating and capital funds, the FTA Drug Testing Requirements form the basis for drug abuse programs. An alcohol abuse program is also required. The bottom line is protection of the riding public and transit employees, and all efforts should be geared toward this end. The transit provider's safety program should outline the specific policies, procedures and responsibilities, or reference the appropriate master document containing that information.

Safety Data Acquisition/Analysis: Understanding safety data is an important step toward allocating important (and often scarce) resources to implement safety program elements. Safety data relative to transit provider operations can be used to determine safety trends in system operation. These data include information gathered from within the system on safety-related events such as passenger injuries or claims, employee injuries, accidents, incidents, and preventability. Driver reports (sometimes called logs) can be an important source of safety problems, such as dangerous stop locations, problems with bus equipment, safety problems with the route, and other issues. The data are useful in a formal hazard identification and resolution process to help identify hazards before they cause accidents. The data may also help improve system performance, not only in respect to safety, but also in overall delivery of service to the riding public. In addition, trend analyses of safety data can help determine the effectiveness of safety initiatives that have been implemented.

Attachment B

FTA Technical Assistance and Outreach Activities FTA Model Transit Bus Safety and Security Program

The FTA in concert with its Partners is committed to develop and disseminate appropriate technical assistance and outreach materials to be used by its staff, its Partners (AASHTO, APTA, and the CTAA), and the transit system grantees in implementing the Model Program. These technical assistance activities will include training through TSI, NTI and other Partner and industry sources, as resources permit. The following list provides examples of technical assistance activities and products that, to the extent possible, FTA will provide as part of their continuing promotion and support of the Model Program.

- Technical guidance on criteria to be used for determining appropriateness of “Enhanced” Safety Program Elements
- Manuals for the development of model Transit Bus Safety and Security Programs
- Manuals for assisting the states in conducting assessments of sub-recipients
- Training programs for transit providers and states
- Training classes for transit providers and state representatives
- Manuals for developing System Safety Program Plans and Security Program Plans
- Identification and dissemination of transit bus safety “best practices”
- Presentations/facilitation of discussions at conferences and workshops
- Informational brochures and program summaries
- Program awareness/marketing products
- Guidelines for data collection/analysis that address both rural and suburban systems.
- Identification of funding resources that may be used by states to perform voluntary assessments of subrecipients’ implementation of the model program.
- Identification of information resources, such as websites developed by its Partners, on the elements of the model program and how those elements may be applied.

**CHECKLIST OF PUBLIC COMMENT PERIOD REQUIREMENTS
FOR PROGRAM OF PROJECTS (POP)
IN THE ANNUAL TRANSPORTATION PLAN (ATP)
(REQUIRED STEPS)**

This checklist is organized into three phases, with two possible approaches for the second phase:

- Phase I: Prepare ATP/POP
- Phase II: Solicit Public Comment
 - Approach A: Public Hearing
 - Approach B: Opportunity for a Public Hearing
- Phase III: Address Comments Received and Submit ATP to MTA

Phase I: Prepare POP and Grant Application

1. Determine services and projects for which funding will be requested in the next grant cycle
2. Prepare the Annual Transportation Plan including application budget, which becomes the Program of Projects
3. Summarize the proposed services and projects in a format appropriate for public review.

Phase II: Solicit Public Comment

For this phase, choose from the following two approaches based on your local process and policies:

- II.A. If public hearing (*i.e., no request needed*)

or

- II.B. If *opportunity for public hearing/meeting (i.e., public hearing provided only in response to advanced request)*

II.A. If public hearing (i.e., no request needed)

1. Schedule public hearing. Select a location which is accessible to people with disabilities as well as a time and location accessible by public transit services.

2. Ensure written POP is ready and available for public review upon request by the time notice is published.
3. Publish advertisement of public comment period at least 30 days before the hearing. This advertisement must include:
 - Date, time, and place of public hearing.
 - Name of the applicant.
 - Area to be served.
 - Proposed POP - description of the proposed services and projects for which funding will be requested.
 - Budget and financing information. Project financing must state that funds are being applied for from the MTA and the FTA.
 - Where the POP and budget are available for review.
 - Procedures for requesting special accessibility accommodations at the public hearing as well as of the written information.
 - Procedures for soliciting written public comment.
4. Make written POP available for public review upon request (including accessible formats if requested).
5. Accept written comments for at least a 30-day period (for example, until the date of the public hearing).
6. Conduct public hearing.

II.B. If *opportunity for public hearing*

1. Tentatively schedule public hearing. Select a location which is accessible to people with disabilities as well as a time and location accessible by public transit services.
2. Ensure written POP is ready and available for public review upon request by the time notice is published.
3. Publish advertisement of public comment period at least 30 days before the tentative hearing. This advertisement must include:
 - Announcement of the opportunity for a public hearing if requested
 - Date, time, and place of potential public hearing (if requested)
 - Name of the applicant.
 - Area to be served.
 - Proposed POP - description of the proposed services and projects for which funding will be requested.

- Budget and financing information. Project financing must state that funds are being applied for from the MTA and the FTA.
 - Where the POP and budget are available for review.
 - Procedures for requesting the public hearing. This must include the deadline requesting the hearing, which must provide for at least a 3-week time window from the date of publication of the advertisement.
 - Procedures for requesting special accessibility accommodations at the public hearing as well as of the written information.
 - Procedures for soliciting written public comment.
4. Make written POP available for public review upon request (including accessible formats if requested).
 5. Accept requests for the public hearing for a window of time at least 3 weeks long.
 6. Accept written comments for at least a 30-day period (for example, until the date of the tentative public hearing).
 7. If requested, conduct public hearing.

Phase III: Address Comments Received and Submit ATP to MTA

1. If any comments are received in writing or during the public hearing, you must respond to them. Depending upon the nature of the comments and the seriousness of the concerns expressed, this may be as simple as sending a written response to the commenter, or may require revising the ATP/POP.
2. Submit documentation steps taken in public comment period to MTA as part of the ATP, including how comments were addressed.
3. If substantive comments are received, and result in significant revisions to the proposed change, Phase II must be repeated.

Grant Revision Form AE-1

REQUEST FOR CAPITAL/OPERATING GRANT REVISION

Person requesting revision: _____

Position: _____

Agency: _____

Address: _____

Regional Planner: _____

GRANT AWARD NO. _____

REVISION REQUESTED: _____

JUSTIFICATION OF NEED: _____

DOLLAR AMOUNT REQUESTED: \$_____ LOTS Signature: _____

	Original Award	Revision Total	% of Total Cost			
			Capital		Operating	
			LOTS	5310	LOTS	5310
Fed/State Share:	\$	\$	90%	80%	75%	50%
Local Share:	\$	\$	10%	20%	25%	50%
Local Overmatch:	\$	\$				
Total	\$	\$				

CHANGE IN AWARD:

Fed/State Share: \$_____

Local Share: \$_____

Local Overmatch: \$_____

Total \$_____

PROCUREMENT TIMELINE: _____ (Project Advertising Date)

_____ (Project Award Date)

_____ (Project Delivery Date)

FOR MTA USE ONLY:

Approved: _____ Disapproved: _____

Director/Deputy Director

Date

cc: H. Martin
B. Walenga

**Maryland ITS Architecture Conformity Form**

Submission Date	
1. Submission date:	
Organizational Information	
2. Legal name of submitting agency:	
Point of Contact Information	
3. Point of contact submitting form:	
4. Phone:	5. Fax:
6. E-mail:	
7. Mailing address:	
General Project Information	
8. ITS project name/title:	
9. Project type: <input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Expansion	10. Project scope (select all that apply): <input type="checkbox"/> Software installation/upgrade <input type="checkbox"/> Hardware installation/upgrade <input type="checkbox"/> Operations/Maintenance <input type="checkbox"/> Systems Integration <input type="checkbox"/> Planning <input type="checkbox"/> Other (provide more detail below)
11. Summarize the project (including how this project relates to existing ITS projects/systems):	
12. Describe the needs this project will satisfy:	
13. List the users of the project when complete:	
14. Describe how the users will benefit from the project:	
15. Describe the geographic areas to be served:	

**Maryland ITS Architecture Conformity Form****Architecture-Specific Information**

16. Summarize the current status of the project (including where it stands in terms of the Systems Engineering process diagram shown in the accompanying Conformity Guide):

17. List stakeholder agencies and their roles/responsibilities for this project:

18. Identify the functional requirements for this project:

19. Show how your project aligns with the Interconnect and Information Flow Diagrams in the MD ITS Architecture: See Below

20. Describe the configuration & technology options considered for this project and indicate which were selected:

21. Describe the procurement options considered for this project and indicate which were selected:

22. Identify applicable ITS standards to be used in support of this project:
Transit Agency to Transit Vehicles

23. Describe your plan for ensuring adequate operations and maintenance of this project after implementation:

Other Information

24. Please provide any other relevant information:

Project Schedule

25. Estimated start date:

26. Estimated completion date:

Estimated Capital Budget

27. Total capital budget:

28. Percent federal funding & sources:

29. Percent state funding & sources:

30. Percent local funding & sources:

31. Percent other funding & sources:

Estimated Annual Operations & Maintenance Budget

32. Total annual O&M budget:

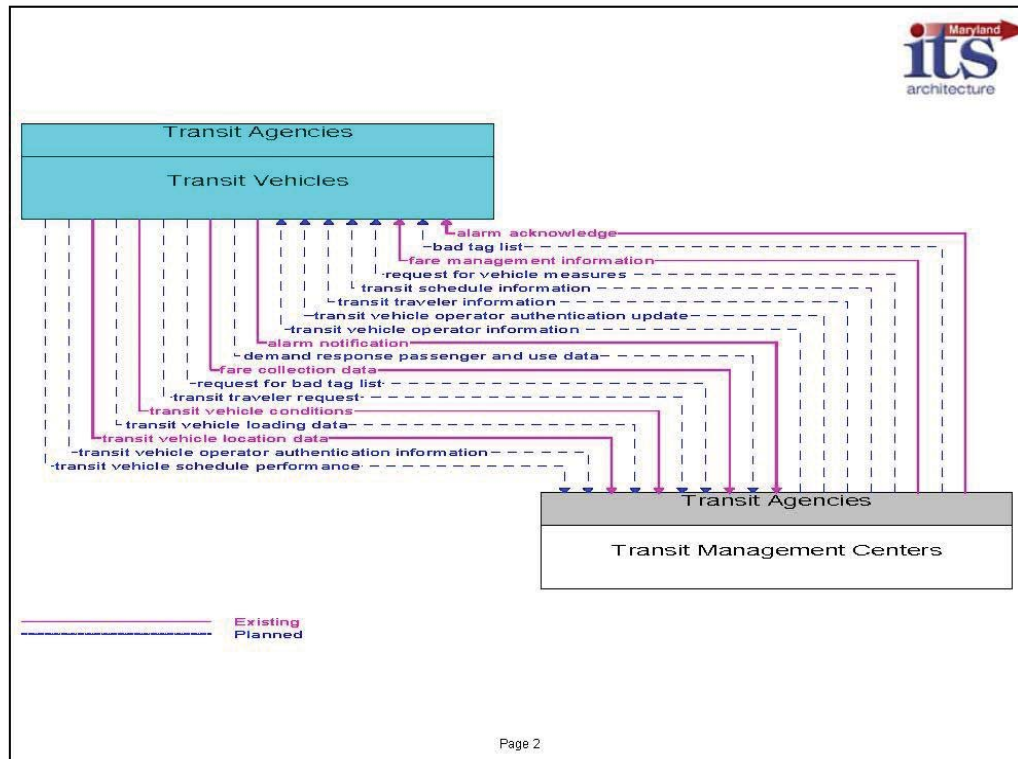
33. Percent federal funding & sources:

34. Percent state funding & sources:

35. Percent local funding & sources:

36. Percent other funding & sources:

Maryland ITS Architecture Conformity Form



Jurisdiction Name:
Legal Name:

#REF!
#REF!

Form B-2: OPERATING BUDGET SUMMARY

	Total Program	SSTAP	Large Urban	Section 5311	Section 5307	ADA	Senior Ride	Other (3)	(2) These programs will not appear in your budget for public transportation. This application is not intended to be used for these programs.
VEHICLE OPERATIONS EXPENSES						(Form B-4 column H)			
Driver Salaries	#REF!					#REF!			
Dispatcher Salaries	#REF!					#REF!			
Fringe Benefits	#REF!					#REF!			
Fuel & Oil	#REF!					#REF!			
Vehicle Insurance	#REF!					#REF!			
Vehicle Depreciation (1)	#REF!					#REF!			
Vehicle Lease	#REF!					#REF!			
Vehicle License	#REF!					#REF!			
Vehicle Storage Facility	#REF!					#REF!			
Operations Training	#REF!					#REF!			
Other	#REF!					#REF!			
Subtotal Operations	\$ -	\$ -	\$ -	\$ -	\$ -	#REF!	\$ -	\$ -	
PURCHASED SERVICE	#REF!	#REF!	#REF!	#REF!	#REF!	#REF!			

Jurisdiction Name:
Legal Name:

#REF!
#REF!

Form B-2: OPERATING BUDGET SUMMARY

	Total Program	SSTAP	Large Urban	Section 5311	Section 5307	ADA	Senior Ride	Other (3)	(2) These programs will not appear in your budget for public transportation. This application is not intended to be used for these programs.
MAINTENANCE EXPENSES									
Mechanics Salaries	#REF!					#REF!			
Mechanics Aids Salaries	#REF!					#REF!			
PM-Capital Expense	#REF!					#REF!			
Tubes & Tires	#REF!					#REF!			
Fringe Benefits	#REF!					#REF!			
Maintenance Contract	#REF!					#REF!			
Materials & Supplies (parts)	#REF!					#REF!			
Maintenance Facility Rental	#REF!					#REF!			
Equipment Rental	#REF!					#REF!			
Utilities	#REF!					#REF!			
Maintenance Training	#REF!					#REF!			
Other	#REF!					#REF!			
Subtotal Maintenance	#REF!	\$ -	\$ -	\$ -	\$ -	#REF!	\$ -	\$ -	

Jurisdiction Name:
Legal Name:

#REF!
#REF!

Form B-2: OPERATING BUDGET SUMMARY

	Total Program	SSTAP	Large Urban	Section 5311	Section 5307	ADA	Senior Ride	Other (3)	(2) These programs will not appear in your budget for public transportation. This application is not intended to be used for these programs.
ADMINISTRATIVE EXPENSES									
Administrator Salary	#REF!					#REF!			
Manager Salary	#REF!					#REF!			
Secretary Salary	#REF!					#REF!			
Bookkeeper Salary	#REF!					#REF!			
Other Salary	#REF!					#REF!			
Fringe Benefits	#REF!					#REF!			
Materials & Supplies	#REF!					#REF!			
Telephone	#REF!					#REF!			
Office Rental	#REF!					#REF!			
Utilities	#REF!					#REF!			
Office Equipment Rental	#REF!					#REF!			
Administrative Training	#REF!					#REF!			
Safety & Security	#REF!					#REF!			
Other	#REF!					#REF!			
Subtotal Administration	\$ -	\$ -	\$ -	\$ -	\$ -	#REF!	\$ -	\$ -	
TOTAL EXPENSES	#REF!	#REF!	#REF!	#REF!	#REF!	#REF!	\$ -	\$ -	
									(3) Include Medical Assistance and other transportation contracts

(1) Depreciation is not an eligible expense for vehicles/equipment purchased with State or Federal funds.
(2) While these funds are not requested in this application, it is important to indicate your estimated budget.

Jurisdiction Name:
Legal Name:

#REF!
#REF!

Form B-2: OPERATING BUDGET SUMMARY

<div>(2) These programs will not appear in your budget for public transportation. This application is not intended to be used for these programs.</div>								
	Total Program	SSTAP	Large Urban	Section 5311	Section 5307	ADA	Senior Ride	Other (3)
FAREBOX AND OTHER REVENUE NOT INCLUDED AS LOCAL SHARE								
Passenger Fares	#REF!					#REF!		
Passenger Donations	#REF!					#REF!		
Charter Revenue	#REF!					#REF!		
Advertising	#REF!					#REF!		
Contracts Revenue (itemize):								
	#REF!					#REF!		
	#REF!					#REF!		
	#REF!					#REF!		
	#REF!					#REF!		
	#REF!					#REF!		
TOTAL REVENUE	\$ -	\$ -	\$ -	\$ -	\$ -	#REF!	\$ -	\$ -
NET PROJECT COST								
(net expenses minus revenue for 5307; total expenses minus revenue for all others)	#REF!	#REF!	#REF!	#REF!	#REF!	#REF!	\$ -	\$ -
LOCAL FUNDS (itemize):								
	#REF!					#REF!		
	#REF!					#REF!		
	#REF!					#REF!		
	#REF!					#REF!		
TOTAL LOCAL FUNDS	\$ -	\$ -	\$ -	\$ -	\$ -	#REF!	\$ -	\$ -
FEDERAL/STATE FUNDS REQUESTED								
	#REF!	#REF!	#REF!	#REF!	#REF!	#REF!	\$ -	\$ -

Maryland Transit Administration
Locally Operated Transit System (LOTS)
NON FARE REVENUE QUARTERLY REPORTING FORM
blank form

Name of grantee

Dates covered by report

Program Income				
Date	Transaction	Income	Expense	Balance
	Starting Balance			\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -

Capital Income				
Date	Transaction	Income	Expense	Balance
	Starting Balance			\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -

Submitted by (print)

Date

Submitted by (sign)

**Maryland Transit Administration
Locally Operated Transit Systems
NON FARE REVENUE QUARTERLY REPORTING FORM**
sample form

Name of grantee

sample-April 1, 2011 thru June 30, 2011

Dates covered by report

Program Income

Date	Transaction	Expense	Income	Balance
4/1/2012	Starting Balance		\$ 5,000	\$ 5,000
4/15/2012	Grey Hound rent/ticket sales payment		\$ 800	\$ 5,800
4/26/2012	Aging Dept payment for trip on 3/12/12		\$ 1,000	\$ 6,800
5/21/2012	Bought new uniform tee shirts for staff	\$ 948		\$ 5,852
6/30/2012	local match for FY 2013 -5311 op grant	\$ 2,500		\$ 3,352
6/30/2012	Operational Cost buy down 4th qtr.-FY 2012	\$ 2,000		\$ 1,352
6/30/2012	received payment for ads on schedules		\$ 525	\$ 1,877
				\$ 1,877
				\$ 1,877
	Starting balance next quarter			\$ 1,877

Capital Income

Date	Transaction	Expense	Income	Balance
4/1/2012	Starting Balance		\$ 12,000	\$ 12,000
5/6/2012	sold bus # 345		\$ 5,680	\$ 17,680
5/12/2012	insurance proceeds from bus #401		\$ 15,655	\$ 33,335
5/12/2012	purchased bus stop shelter replacement glass	\$ 5,500		\$ 27,835
6/1/2012	paid body shop invoice for bus #401	\$ 22,300		\$ 5,535
				\$ 5,535
				\$ 5,535
				\$ 5,535
				\$ 5,535
	Starting balance next quarter			\$ 5,535

Submitted by (print)

Date

Submitted by (sign)

MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSIT ADMINISTRATION
OPERATING ASSISTANCE REQUEST FOR PAYMENT

GRANTEE: _____

FEDERAL I.D. NUMBER: _____

PROJECT NUMBER(S): _____

ADDRESS: _____

PCA: _____ **AOBJ:** _____

	<u>Current Period</u>	<u>Cumulative This FY</u>
I. <u>OPERATING REVENUE AND EXPENSE SUMMARY</u>		
A. <u>Eligible Operating Expenses</u>		
Actual from: _____ to _____	\$ _____	\$ _____
Total Expenses	\$ _____	\$ _____
B. <u>Operating & Other Revenue Not Includable as Local Share</u>		
Actual from: _____ to _____	\$ _____	\$ _____
Total Revenue	\$ _____	\$ _____
C. <u>Total Net Project Cost (Section I, Line A – Line B)</u>	\$ _____	\$ _____
 II. <u>FINANCING OF NET PROJECT COST</u>		
A. <u>Total Federal Share</u>		
.0000% x Net Project Cost	\$ _____	\$ _____
B. <u>Total State Share</u>		
.0000% x Net Project Cost	\$ _____	\$ _____
C. <u>Total Local Share</u>		
.0000% x Net Project Cost	\$ _____	\$ _____
D. <u>Local Overmatch</u>	\$ _____	\$ _____
<u>Itemize Local Share by Source</u>		
_____	\$ _____	
_____	\$ _____	
_____	\$ _____	
 III. <u>REQUEST FOR PAYMENT</u>		
Total Federal, State & Local Shares..... (Section II, Line A + Line B + Line C + Line D)	\$ _____	
 Total Payment Now Requested	\$ _____	
Submitted by: _____		
Signature: _____		
Title: _____		
Date: _____		

MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSIT ADMINISTRATION
CAPITAL ASSISTANCE REQUEST FOR PAYMENT

GRANTEE: _____

FEDERAL ID NO. _____

PROJECT NUMBER: _____

PCA: _____

AOBJ: _____

PAYMENT PERIOD: _____

CHECK PAYABLE TO: _____

PAYMENT TO BE FORWARDED TO: _____

Agency/County

Street

City

State

Zip Code

I. CAPITAL PROGRAM OUTLAYS

Project Budget
Line Item Code

Project Expenditures

Cumulative

00.00.00 – Description \$ _____ \$ _____

II. FINANCING OF PROJECT COST

A. Total Federal Share
 .0000 x Project Expenditure \$ _____ \$ _____

B. Total State Share
 .0000 x Project Expenditure \$ _____ \$ _____

C. Total Local Share
 .0000 x Project Expenditure \$ _____ \$ _____

III. REQUEST FOR PAYMENT

Total Federal, State & Local Shares
 (Section II, Line A + Line B + Line C) \$ _____

Total Payment Now Requested \$ _____

Submitted by: _____ Title: _____

Signature: _____ Date: _____

Form 2a: SERVICE PERFORMANCE SUMMARY (Suburban/Small Urban)
Remember to include ALL Service Types into Grand Total

Distribution Date TBD																
Funding Program	Service Type DR = Demand FR = Fixed Route Response D = Deviated	Route Name/Number	Total Passenger Trips	Total Service Miles	Total Service Hours	Total Operating Costs	Total Farebox Receipts	Other Local Operating Revenue (rebates, warranty)	Advertising Revenue	Operating Cost per Hour	Operating Cost per Mile	Operating Cost per Passenger Trip	Local Operating Revenue Ratio	Farebox Recovery Ratio	Passenger Trips per Mile	Passenger Trips per Hour
Public Transportation Programs:																
S. 5307									Acceptable	\$66.11 - \$86.45	\$4.07 - \$6.10	\$4.07 - \$7.12	45% - 55%	10% - 20%	.75 - 1.25	12.0 - 16.0
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Subtotal -- Large Urban or S. 5307:			0	0	0	\$0	\$0	\$0	\$0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Acceptable \$66.11 - \$86.45 \$4.07 - \$6.10 \$4.07 - \$7.12 45% - 55% 10% - 20% .75 - 1.25 12.0 - 16.0																
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Subtotal -- S. 5311:			0	0	0	\$0	\$0	\$0	\$0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Acceptable \$66.11 - \$86.45 \$4.07 - \$6.10 \$4.07 - \$7.12 45% - 55% 10% - 20% .75 - 1.25 12.0 - 16.0																
Overall Public Transportation Programs:			0	0	0	0	0	0	0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Acceptable \$66.11 - \$86.45 \$4.07 - \$6.10 \$4.07 - \$7.12 45% - 55% 10% - 20% .75 - 1.25 12.0 - 16.0																
Subtotal -- JARC / New Freedom:										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Acceptable \$61.02 - \$81.36 \$3.56 - \$7.12 \$20.34 - \$40.68 40% - 60% 6% - 12% .10 - .20 1.5 - 3.0																
Subtotal -- ADA Paratransit:										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Acceptable \$61.02 - \$81.36 \$3.56 - \$7.12 \$20.34 - \$40.68 40% - 60% 6% - 12% .10 - .20 1.5 - 3.0																
Subtotal -- SSTAP Program:										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Safety Information			Disabled (non-elderly) ambulatory (able to walk)													
Reportable Incidents			Disabled (non-elderly) non-ambulatory (use wheelchair or scooter)													
Fatalities			Elderly non-ambulatory (use wheelchair or scooter)													
Injuries			Elderly ambulatory (able to walk)													
GRAND TOTAL:			0	0	0	\$0	\$0	\$0	\$0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

ATTACHMENT 3.E.2

Form 2a: SERVICE PERFORMANCE SUMMARY (Urban)
Remember to include ALL Service Types into Grand Total

Distribution Date TBD																
Funding Program	Service Type DR = Demand FR = Fixed Route Response D = Deviated	Route Name/Number	Total Passenger Trips	Total Service Miles	Total Service Hours	Total Operating Costs	Total Farebox Receipts	Other Local Operating Revenue (rebates, warranty)	Advertising Revenue	Operating Cost per Hour	Operating Cost per Mile	Operating Cost per Passenger Trip	Local Operating Revenue Ratio	Farebox Recovery Ratio	Passenger Trips per Mile	Passenger Trips per Hour
Public Transportation Programs:																
S. 5307									Acceptable	\$91.53 - \$111.87	\$7.12 - \$8.14	\$3.81 - \$4.58	60% - 70%	20% - 25%	1.75 - 2.00	20.0 - 30.0
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Subtotal -- Large Urban or S. 5307:			0	0	0	\$0	\$0	\$0	\$0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Acceptable \$91.53 - \$111.87 \$7.12 - \$8.14 \$3.81 - \$4.58 60% - 70% 20% - 25% 1.75 - 2.00 20.0 - 30.0																
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Subtotal -- S. 5311:			0	0	0	\$0	\$0	\$0	\$0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Overall Public Transportation Programs:																
Overall Public Transportation Programs:			0	0	0	0	0	0	0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Acceptable \$91.53 - \$111.87 \$7.12 - \$8.14 \$3.81 - \$4.58 60% - 70% 20% - 25% 1.75 - 2.00 20.0 - 30.0																
Subtotal -- JARC / New Freedom:									Acceptable	\$91.53 - \$111.87	\$7.12 - \$8.14	\$3.81 - \$4.58	60% - 70%	20% - 25%	1.75 - 2.00	20.0 - 30.0
										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Subtotal -- ADA Paratransit:									Acceptable	\$71.19 - \$91.53	\$4.07 - \$8.14	\$20.34 - \$30.51	40% - 60%	6% - 12%	.15 - .25	1.5 - 3.0
										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Subtotal -- SSTAP Program:									Acceptable	\$71.19 - \$91.53	\$4.07 - \$8.14	\$20.34 - \$30.51	40% - 60%	6% - 12%	.15 - .25	1.5 - 3.0
										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Safety Information			Disabled (non-elderly) ambulatory (able to walk)													
Reportable Incidents			Disabled (non-elderly) non-ambulatory (use wheelchair or scooter)													
Fatalities			Elderly non-ambulatory (use wheelchair or scooter)													
Injuries			Elderly ambulatory (able to walk)													
GRAND TOTAL:			0	0	0	\$0	\$0	\$0	\$0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Distribution Date TBD																	
Funding Program	Service Type DR = Demand R = Fixed Route Response D = Deviated	Route Name/Number	Total Passenger Trips	Total Service Miles	Total Service Hours	Total Operating Costs	Total Farebox Receipts	Other Local Operating Revenue (rebates, warranty)	Advertising Revenue	Operating Cost per Hour	Operating Cost per Mile	Operating Cost per Passenger Trip	Local Operating Revenue Ratio	Farebox Recovery Ratio	Passenger Trips per Mile	Passenger Trips per Hour	
Public Transportation Programs:																	
S. 5307										Acceptable \$40.68 - \$61.02	\$2.03 - \$4.07	\$7.12 - \$18.31	40% - 50%	7% - 15%	.15 - .30	2.5 - 5.0	
										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5307										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Subtotal -- Large Urban or S. 5307:			0	0	0	\$0	\$0	\$0	\$0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Acceptable \$40.68 - \$61.02 \$2.03 - \$4.07 \$7.12 - \$18.31 40% - 50% 7% - 15% .15 - .30 2.5 - 5.0																	
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
S. 5311										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Subtotal -- S. 5311:			0	0	0	\$0	\$0	\$0	\$0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Acceptable \$40.68 - \$61.02 \$2.03 - \$4.07 \$7.12 - \$18.31 40% - 50% 7% - 15% .15 - .30 2.5 - 5.0																	
Overall Public Transportation Programs:																	
			0	0	0	0	0	0	0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Acceptable \$40.68 - \$61.02 \$2.03 - \$4.07 \$7.12 - \$18.31 40% - 50% 7% - 15% .15 - .30 2.5 - 5.0																	
Subtotal -- JARC / New Freedom:										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Acceptable \$40.68 - \$61.02 \$2.03 - \$4.07 \$7.12 - \$18.31 40% - 50% 7% - 15% .15 - .30 2.5 - 5.0																	
Subtotal -- ADA Paratransit:										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Acceptable \$40.68 - \$61.02 \$2.03 - \$4.07 \$7.12 - \$18.31 40% - 50% 7% - 15% .15 - .30 2.5 - 5.0																	
Subtotal -- SSTAP Program:										#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Acceptable \$40.68 - \$61.02 \$2.03 - \$4.07 \$7.12 - \$18.31 40% - 50% 7% - 15% .15 - .30 2.5 - 5.0																	
Safety Information																	
	Reportable Incidents			Disabled (non-elderly) ambulatory (able to walk)													
	Fatalities			Disabled (non-elderly) non-ambulatory (use wheelchair or scooter)													
	Injuries			Elderly non-ambulatory (use wheelchair or scooter)													
				Elderly ambulatory (able to walk)													
GRAND TOTAL:			0	0	0	\$0	\$0	\$0	\$0	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	

Recommended Revised Performance Standards for MTA LOTS

Mar 28, 2016

Using 2015 CPI change

Cost-based Standards to be updated annually using prior year as base of CPI (see footnote*)

Urban Fixed-Route Bus	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$91.53	\$91.53 - \$111.87	> \$111.87
Operating Cost per Mile	< \$7.12	\$7.12 - \$8.14	> \$8.14
Operating Cost per Passenger Trip	< \$3.81	\$3.81 - \$4.58	> \$4.58
Local Operating Revenue Ratio	> 70%	60% - 70%	< 60%
Farebox Recovery Ratio	> 25%	20% - 25%	< 20%
Passenger Trips per Mile	> 2.25	1.75 - 2.00	< 1.75
Passenger Trips per Hour	> 30.0	20.0 - 30.0	< 20.0

*Based on composite of 54 national peer agencies with comparably-sized operations

Urban Demand-Response Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$71.19	\$71.19 - \$91.53	> \$91.53
Operating Cost per Mile	< \$4.07	\$4.07 - \$8.14	> \$8.14
Operating Cost per Passenger Trip	< \$20.34	\$20.34 - \$30.51	> \$30.51
Local Operating Revenue Ratio	> 60%	40% - 60%	< 40%
Farebox Recovery Ratio	> 12%	6% - 12%	< 6%
Passenger Trips per Mile	> 0.25	0.15 - 0.25	< 0.15
Passenger Trips per Hour	> 3.0	1.5 - 3.0	< 1.5

*Based on composite of 375 national peer agencies with comparably-sized operations

Suburban / Small Urban Fixed-Route Bus	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$66.11	\$66.11 - \$86.45	> \$86.45
Operating Cost per Mile	< \$4.07	\$4.07 - \$6.10	> \$6.10
Operating Cost per Passenger Trip	< \$4.07	\$4.07 - \$7.12	> \$7.12
Local Operating Revenue Ratio	> 55%	45% - 55%	< 45%
Farebox Recovery Ratio	> 20%	10% - 20%	< 10%
Passenger Trips per Mile	> 1.25	0.75 - 1.25	< 0.75
Passenger Trips per Hour	> 16.0	12.0 - 16.0	< 12.0

*Based on composite of 136 national peer agencies with comparably-sized operations

Suburban/Small Urban Demand-Response Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$61.02	\$61.02 - \$81.36	> \$81.36
Operating Cost per Mile	< \$3.56	\$3.56 - \$7.12	> \$7.12
Operating Cost per Passenger Trip	< \$20.34	\$20.34 - \$40.68	> \$40.68
Local Operating Revenue Ratio	> 60%	40% - 60%	< 40%
Farebox Recovery Ratio	> 12%	6% - 12%	< 6%
Passenger Trips per Mile	> 0.20	0.10 - 0.20	< 0.10
Passenger Trips per Hour	> 3.0	1.5 - 3.0	< 1.5

*Based on composite of 375 national peer agencies with comparably-sized operations

Rural Transit Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$40.68	\$40.68 - \$61.02	> \$61.02
Operating Cost per Mile	< \$2.03	\$2.03 - \$4.07	> \$4.07
Operating Cost per Passenger Trip	< \$7.12	\$7.12 - \$18.31	> \$18.31
Local Operating Revenue Ratio	> 50%	40% - 50%	< 40%
Farebox Recovery Ratio	> 15%	7% - 15%	< 7%
Passenger Trips per Mile	> 0.30	0.15 - 0.30	< 0.15
Passenger Trips per Hour	> 5.0	2.5 - 5.0	< 2.5

*Based on composite of 334 national peer agencies with comparably-sized operations

* Based on "Annual Avg. CPI" as produced by the Bureau of Labor Statistics in Table 24 of the CPI Detailed Reports available at <http://www.bls.gov/cpi/#tables>

Recommended Revised Performance Standards for MTA LOTS

Dec 18, 2015

Using 2014 CPI change

Cost-based Standards to be updated annually using CPI from base year 2013 (see footnote*)

Urban Fixed-Route Bus	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$91.44	\$91.44 - \$111.76	> \$111.76
Operating Cost per Mile	< \$7.11	\$7.11 - \$8.13	> \$8.13
Operating Cost per Passenger Trip	< \$3.81	\$3.81 - \$4.57	> \$4.57
Local Operating Revenue Ratio	> 70%	60% - 70%	< 60%
Farebox Recovery Ratio	> 25%	20% - 25%	< 20%
Passenger Trips per Mile	> 2.25	1.75 - 2.00	< 1.75
Passenger Trips per Hour	> 30.0	20.0 - 30.0	< 20.0

*Based on composite of 54 national peer agencies with comparably-sized operations

Urban Demand-Response Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$71.12	\$71.12 - \$91.44	> \$91.44
Operating Cost per Mile	< \$4.06	\$4.06 - \$8.13	> \$8.13
Operating Cost per Passenger Trip	< \$20.32	\$20.32 - \$30.48	> \$30.48
Local Operating Revenue Ratio	> 60%	40% - 60%	< 40%
Farebox Recovery Ratio	> 12%	6% - 12%	< 6%
Passenger Trips per Mile	> 0.25	0.15 - 0.25	< 0.15
Passenger Trips per Hour	> 3.0	1.5 - 3.0	< 1.5

*Based on composite of 375 national peer agencies with comparably-sized operations

Suburban / Small Urban Fixed-Route Bus	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$66.04	\$66.04 - \$86.36	> \$86.36
Operating Cost per Mile	< \$4.06	\$4.06 - \$6.10	> \$6.10
Operating Cost per Passenger Trip	< \$4.06	\$4.06 - \$7.11	> \$7.11
Local Operating Revenue Ratio	> 55%	45% - 55%	< 45%
Farebox Recovery Ratio	> 20%	10% - 20%	< 10%
Passenger Trips per Mile	> 1.25	0.75 - 1.25	< 0.75
Passenger Trips per Hour	> 16.0	12.0 - 16.0	< 12.0

*Based on composite of 136 national peer agencies with comparably-sized operations

Suburban/Small Urban Demand-Response Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$60.96	\$60.96 - \$81.28	> \$81.28
Operating Cost per Mile	< \$3.56	\$3.56 - \$7.11	> \$7.11
Operating Cost per Passenger Trip	< \$20.32	\$20.32 - \$40.64	> \$40.64
Local Operating Revenue Ratio	> 60%	40% - 60%	< 40%
Farebox Recovery Ratio	> 12%	6% - 12%	< 6%
Passenger Trips per Mile	> 0.20	0.10 - 0.20	< 0.10
Passenger Trips per Hour	> 3.0	1.5 - 3.0	< 1.5

*Based on composite of 375 national peer agencies with comparably-sized operations

Rural Transit Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$40.64	\$40.64 - \$60.96	> \$60.96
Operating Cost per Mile	< \$2.03	\$2.03 - \$4.06	> \$4.06
Operating Cost per Passenger Trip	< \$7.11	\$7.11 - \$18.29	> \$18.29
Local Operating Revenue Ratio	> 50%	40% - 50%	< 40%
Farebox Recovery Ratio	> 15%	7% - 15%	< 7%
Passenger Trips per Mile	> 0.30	0.15 - 0.30	< 0.15
Passenger Trips per Hour	> 5.0	2.5 - 5.0	< 2.5

*Based on composite of 334 national peer agencies with comparably-sized operations

* Based on "Annual Avg. CPI" as produced by the Bureau of Labor Statistics in Table 24 of the CPI Detailed Reports available at <http://www.bls.gov/cpi/#tables>

Recommended Revised Performance Standards for MTA LOTS

Dec 2, 2014

Cost-based Standards to be updated annually using CPI from base year 2013 (see footnote*)

Urban Fixed-Route Bus	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$90.00	\$90.00 - \$110.00	> \$110.00
Operating Cost per Mile	< \$7.00	\$7.00 - \$8.00	> \$8.00
Operating Cost per Passenger Trip	< \$3.75	\$3.75 - \$4.50	> \$4.50
Local Operating Revenue Ratio	> 70%	60% - 70%	< 60%
Farebox Recovery Ratio	> 25%	20% - 25%	< 20%
Passenger Trips per Mile	> 2.25	1.75 - 2.00	< 1.75
Passenger Trips per Hour	> 30.0	20.0 - 30.0	< 20.0

*Based on composite of 54 national peer agencies with comparably-sized operations

Urban Demand-Response Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$70.00	\$70.00 - \$90.00	> \$90.00
Operating Cost per Mile	< \$4.00	\$4.00 - \$8.00	> \$8.00
Operating Cost per Passenger Trip	< \$20.00	\$20.00 - \$30.00	> \$30.00
Local Operating Revenue Ratio	> 60%	40% - 60%	< 40%
Farebox Recovery Ratio	> 12%	6% - 12%	< 6%
Passenger Trips per Mile	> 0.25	0.15 - 0.25	< 0.15
Passenger Trips per Hour	> 3.0	1.5 - 3.0	< 1.5

*Based on composite of 375 national peer agencies with comparably-sized operations

Suburban / Small Urban Fixed-Route Bus	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$65.00	\$65.00 - \$85.00	> \$85.00
Operating Cost per Mile	< \$4.00	\$4.00 - \$6.00	> \$6.00
Operating Cost per Passenger Trip	< \$4.00	\$4.00 - \$7.00	> \$7.00
Local Operating Revenue Ratio	> 55%	45% - 55%	< 45%
Farebox Recovery Ratio	> 20%	10% - 20%	< 10%
Passenger Trips per Mile	> 1.25	0.75 - 1.25	< 0.75
Passenger Trips per Hour	> 16.0	12.0 - 16.0	< 12.0

*Based on composite of 136 national peer agencies with comparably-sized operations

Suburban/Small Urban Demand-Response Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$60.00	\$60.00 - \$80.00	> \$80.00
Operating Cost per Mile	< \$3.50	\$3.50 - \$7.00	> \$7.00
Operating Cost per Passenger Trip	< \$20.00	\$20.00 - \$40.00	> \$40.00
Local Operating Revenue Ratio	> 60%	40% - 60%	< 40%
Farebox Recovery Ratio	> 12%	6% - 12%	< 6%
Passenger Trips per Mile	> 0.20	0.10 - 0.20	< 0.10
Passenger Trips per Hour	> 3.0	1.5 - 3.0	< 1.5

*Based on composite of 375 national peer agencies with comparably-sized operations

Rural Transit Service	Revised LOTS Performance Standards		
	Successful	Acceptable	Needs Review
Operating Cost per Hour	< \$40.00	\$40.00 - \$60.00	> \$60.00
Operating Cost per Mile	< \$2.00	\$2.00 - \$4.00	> \$4.00
Operating Cost per Passenger Trip	< \$7.00	\$7.00 - \$18.00	> \$18.00
Local Operating Revenue Ratio	> 50%	40% - 50%	< 40%
Farebox Recovery Ratio	> 15%	7% - 15%	< 7%
Passenger Trips per Mile	> 0.30	0.15 - 0.30	< 0.15
Passenger Trips per Hour	> 5.0	2.5 - 5.0	< 2.5

*Based on composite of 334 national peer agencies with comparably-sized operations

* Based on "Annual Avg. CPI" as produced by the Bureau of Labor Statistics in Table 24 of the CPI Detailed Reports available at <http://www.bls.gov/cpi/#tables>

2013 Performance standards used as "base" and dated 12-2-14
2014 Performance Standards increased by "percent change from previous" annual average CPI.
Cost-based Standards have been updated to 2014 CPI increase of 1.6% and dated 12-18-15.
2014 Standards will be used as the base for utilizing the 2015 CPI change.
2014 Standards have not been distributed (skipping distribution of these Standards).
2015 Standards will be distributed to the LOTS with the FY17 Grant Agreements.

2014 CPI Change	1.6% increase	used to calculate Form 2a dated 12-18-15
2015 CPI Change	0.1% increase	used to calculate Form 2a dated 3-28-16

Future:

FY2017 ATP will contain the Form 2a using the 2013 CPI base.

FY2017 Operations should report using the Form 2a utilizing the 2015 CPI - effective July 1, 2016 - will be sent to LOTS with FY17 Grant Agreements.

FY2018 ATP will contain the Form 2a using the 2015 CPI.

FY2018 Operations should report using the Form 2a utilizing the 2016 CPI - effective July 1, 2017 - will be sent to LOTS with FY18 Grant Agreements.

FY2019 ATP will contain the Form 2a using the 2016 CPI.

FY2019 Operations should report using the Form 2a utilizing the 2017 CPI - effective July 1, 2018 - will be sent to LOTS with FY18 Grant Agreements.

Source: Bureau of Labor Statistics Table 24 of the CPI Detailed Reports found at <http://www.bls.gov/cpi/#tables>

**MTA GRANT CLOSEOUT &
FINAL OPERATING BUDGET STATEMENT**

DATE _____

FISCAL YEAR OF GRANT AGREEMENT _____

PUBLIC BODY _____

This statement is for the close-out of: GRANT NUMBER _____

Program name _____
(5310, 5311, 5307, SSTAP, ADA, etc.)

PROJECT FINANCING

	APPROVED (FROM GRANT AGREEMENT)	ACTUAL (FROM "Request for Payment")
STATE FUNDS	_____	_____
FEDERAL FUNDS	_____	_____
SUBTOTAL S & F	_____	_____
LOCAL FUNDS	_____	_____
TOTAL PROJECT	_____	_____

This form must be returned within 30 days of issuance date. If this form is not returned, MTA will consider it correct and grant will be closed.

I concur that the grant funds for this project were spent as indicated and reflect all and final expenditures for this project related to grant # _____

Signature _____

Typed or printed name _____

Date _____ Title _____



February 24, 2017



RE: Grant Closeout – Final Operating Budget Statement FY2016

Dear [REDACTED]:

Enclosed you will find the forms, “Grant Closeout – Final Operating Budget Statement,” for your 5311 Operating Grant # [REDACTED] 5311O2016, SSTAP Operating Grant # [REDACTED] STAPO2016, and 5307 Operating Grant # [REDACTED] 5307O2016, each issued for Fiscal Year 2016 (July 1, 2015 through June 30, 2016). The Maryland Transit Administration (MTA) Office of Local Transit Support has completed these forms based on the Grant Agreement documents and your submitted Requests for Payment.

If you concur with the information on the forms, please sign and date the forms and return to this office within thirty (30) days of the Issuance Date at the top of the forms. This action will indicate that the operating grants have been closed out. Please be aware that any remaining balance will revert back to the Maryland Transit Administration.

If the information on these forms do not agree with your records please notify Chris Taylor at 410-767-3142 within thirty (30) days of the Issuance Date and he will work with you to correct any discrepancies.

We appreciate your taking time to help us close out the operating grants as discussed in the LOTS (Locally Operated Transit Systems) Manual in Chapter 3 – Financial Management (see page 3-19).

Sincerely,

Elizabeth Kreider, Director
Office of Local Transit Support

cc: Heather Martin, Maryland Transit Administration
Chris Taylor, Regional Planner, Maryland Transit Administration
Beverly Walenga, Financial Analyst, Maryland Transit Administration

Attachments: Grant Closeout – Final Operating Budget Statements

SAMPLE



MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Larry Hogan, Governor • Boyd K. Rutherford, Lt. Governor
Pete K. Rahn, Secretary • Paul Comfort, Administrator

June 23, 2016



Dear [REDACTED]:

The following awarded project: FY12 Capital- Fire Suppression System will be closed per this letter. Please see the detailed chart below.

	FY12 Fire Suppression System [REDACTED]5309C2012
Line Item	11.44.05
Federal Award	\$12,000
State Award	\$1,500
Local Award	\$1,500
Total Award	\$15,000
Total Spent	\$11,736.67
Balance	\$3,263.33

As of the date of this correspondence, the above mentioned grant/line item is complete and all procurement activity agreed to has ceased. No further purchase activity may be made from the grant/line item and any remaining balances will revert back to the Maryland Transit Administration.

Page Two

If you have any questions regarding the closure of these grants, please call Mr. Jason Kepple at 410-767-7330 or email him at Jkepple@mta.maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "EKreider", written in a cursive style.

Elizabeth Kreider, Director
Office of Local Transit Support

SAMPLE

CHECKLIST OF REQUIRED STEPS IN THE LOCAL PROCUREMENT PROCESS

For *Large (Competitive)* Procurements (for projects exceeding State or local small procurement threshold):

1. Apply to MTA for funds.
2. Receive award letter from MTA.
3. Execute and return grant documents to MTA.
4. Determine procurement method.
5. Develop specifications and assemble RFP/bid package.
6. Submit to MTA Regional Planner for review and approval.
7. Receive approval from MTA.
8. Advertise project, to solicit bids/proposals/quotes.
9. Receive, open, and review responses.
10. Evaluate responses.
11. Select best response meeting all local procurement requirements.
12. Send complete copy of proposed winning offer and list of “losing” offers to MTA for concurrence.
13. Request concurrence/approval from MTA to award contract.
14. Receive concurrence/approval from MTA.
15. Award and execute contract.
16. Submit Request for Payment to MTA within 60 days of receipt of materials, equipment, or services procured, attaching all invoices/receipts.

CHECKLIST OF REQUIRED STEPS IN THE LOCAL PROCUREMENT PROCESS

For *Small* Procurements (use for projects below State Category I, II or III or local threshold):

1. Apply to MTA for funds.
2. Receive award letter from MTA.
3. Execute and return grant documents to MTA.
4. Determine procurement method.
5. Develop specifications.
6. Request at least three quotes.
7. Receive and review quotes.
8. Select best quote meeting all local procurement requirements.
9. Send copy of proposed winning offer and list of “losing” offers to MTA for concurrence.
10. Request concurrence/approval from MTA to make purchase.
11. Receive concurrence/approval before making purchase.
12. Submit Request for Payment to MTA within 60 days of receipt of materials, equipment, or services procured, attaching all invoices/receipts.

Place this sample Code of Ethics on your agency letterhead and have signed by the agency official authorized to sign your grant agreement. The Code of Ethics statements 1–3 highlighted are Federal requirements and must be in your final Code of Ethics.

Code of Ethics

The (Name of Agency) Code of Ethics contains the following types of prohibitions:

1. **Personal Conflicts of Interest.** As provided in the Common Grant Rules and in the Federal Transit Administration (FTA) Master Agreement, no employee, officer, agent, or board member, or his or her immediate family member, partner, or organization that employs or is about to employ any of the foregoing individuals may participate in the selection, award, or administration of a contract supported with FTA assistance if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of those individuals previously listed has a financial or other interest in the firm selected for award.
2. **Gifts.** The sub-recipient's officers, employees, agents, or board members may neither solicit nor accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts. The sub-recipient may set minimum rules when the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.
3. **Violations.** To the extent permitted by State or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary action for violation of such standards by the sub-recipient's officers, employees, agents, board members, or by contractors, subcontractors, or sub-recipients or their agents. (Subrecipient is to list their disciplinary code for Ethic Code violations.)

The following statements are other common prohibitions your agency may want to use. You may have other statements/prohibitions you wish to use or already in place which should be reflected below.

4. An employee or official may not intentionally use the prestige of his or her office for personal gain or that of another.
5. An employee or official may not assist or represent any party for contingent compensation in any matter involving the agency other than in a judicial or quasi-judicial proceeding.
6. An employee or official whose duties include matters substantially relating to the subject matter of any contract with the Agency, may not be or become, while an Agency employee, an employee of the party contracting with the Agency.
7. A former employee or official may not assist or represent any one other than the Agency for compensation in a case, contract, or other specific matter involving the Agency if that matter is one in which he or she significantly participated as an official or employee.
8. An employees or official may not disclose or use for personal economic benefit, or that of another, confidential information acquired by reason of his or her public position.
9. Persons, entities, employees, or officials that assist the Agency in procurement specifications may not be involved in bidding or assisting a bidder in that procurement or be employed by the bidder at the time of the bid.

10. Agency employees shall act honestly, truthfully and with integrity in all agency business transactions and dealings.
11. Agency employees shall be committed to treating our customers and co-workers fairly, equitably and with dignity and respect.

Name of Authorized Agency Official

Title

Date

You may use this form as a template for your agency's Independent Cost Estimate. Place this form on your agency letterhead and incorporate into your Procurement Procedures.

NAME OF AGENCY

INDEPENDENT COST ESTIMATE (ICE) FORM

Agency Name:

Project Name and Grant Number:

Date:

Requisition Number:

Project Description (must include type of good or service, number of units, preliminary specifications or dimensions, product longevity, warranty and/or product service requirements and number of purchase options expected to be exercised):

___ New Procurement ___ Contract Modification (Change Order) ___ Exercise of Option

Date(s) and number of Estimates (cite each estimate source):

Estimate (cite expected unit price and extended price, including all services and required components):

Method of Obtaining Estimate (check appropriate section):

Attach additional documentation such as previous pricing documentation, emails, internet screen shots, estimates on letterhead, etc.

___ Obtained direct estimate from vendor(s):

___ Published Price List (attach source and date)

___ Historical Pricing (attach copy of documentation from previous PO/Contract)

___ Comparable Purchases by Other Agencies (attach email correspondence)

___ Engineering or Technical Estimate (attach)

___ Independent Third-Party Estimate (attach)

___ Other (specify) _____ (attach documentation)

___ Pre-established pricing resulting from competition (Contract Modification only)

Additional Comments:

Rationale for Type of Procurement (explain why the type of procurement and cost estimate was selected):

Prepared By:

Date Prepared:

Phone:

Email:

APPLICABILITY OF FEDERAL THIRD-PARTY CONTRACT CLAUSES
(excluding micro-purchases, except Davis-Bacon and Copeland “Anti-Kickback” requirements apply to construction contracts exceeding \$2,000)

Excerpted from FTA Circular 4220.1F and updated for the Super Circular, the FAST Act, and the 2016 Best Practices Procurement & Lessons Learned Manual

TYPE OF PROCUREMENT					
PROVISION	Professional Services/ A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
Access to Third Party Contract Records	All	All	All	All	All
Bonding				>\$150,000	
Bus Testing			Purchase or lease of new bus model or model with major change		
Buy America			>\$150,000	>\$150,000	>\$150,000
Cargo Preference			Transport by ocean vessel.	Transport by ocean vessel.	Transport by ocean vessel.
Changes to Federal Requirements	All	All	All	All	All
Charter Service Operations		All			
Civil Rights (Title VI, ADA, EEO except Special DOL EEO clause for construction projects)	All	All	All	All	All
Civil Rights / ADA Access	A&E	All	All	All	All
Civil Rights / Special DOL EEO clause for construction projects				>\$10,000	
Clean Air Act and Federal Water Pollution Control Act	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000
Conformance with ITS National Architecture	ITS projects.	ITS projects.	ITS projects.	ITS projects.	ITS projects.
Disadvantaged Business Enterprises (DBEs)	All	All	All	All	All
Employee Protections / Contract Work Hours and Safety Standards Act		>\$100,000 (transportation services excepted).	>\$100,000	>\$100,000 (also ferries).	
Employee Protections / Copeland “Anti-Kickback” Section 1 Section 2				All >\$2,000 (also ferries).	
Employee Protections / Davis-Bacon Act (Prevailing Wage Requirements)				>\$2,000 (also ferries).	

ATTACHMENT 4.E

TYPE OF PROCUREMENT					
PROVISION	Professional Services/ A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
Energy Conservation	All	All	All	All	All
Fly America	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.
Government-Wide Debarment and Suspension	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Incorporation of FTA Terms	All	All	All	All	All
Lobbying Restrictions	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
No Federal Government Obligations to Third Parties	All	All	All	All	All
Notification of Federal Participation for States	Limited to States.	Limited to States.	Limited to States.	Limited to States.	Limited to States.
Patent Rights and Rights in Data – Intellectual Property	R & D				
Pre-Award and Post-Delivery Audits			All		
Program Fraud and False or Fraudulent Statements and Related Acts	All	All	All	All	All
Public Transportation Employee Protective Arrangements / S.5333(b) (formerly 13(c))		Transit operations			
Recycled Products		EPA-selected items \$10,000 or more annually.		EPA-selected items \$10,000 or more annually.	EPA-selected items \$10,000 or more annually.
Safe Operation of Motor Vehicles	All	All	All	All	All
School Bus Operations		Transit operations			
Seismic Safety	A&E for new buildings & additions.			New buildings & additions.	
Substance Abuse / Alcohol Misuse and Testing		Contractors performing safety-sensitive functions			
Substance Abuse / Drug Use and Testing		Contractors performing safety-sensitive functions			
Termination	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
Violation and Breach of Contract	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000

Excerpted from FTA's *Best Practices Procurement & Lessons Learned Manual*, October 2016, Appendix A

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A.1 ACCESS TO RECORDS AND REPORTS

49 U.S.C. § 5325(g)

2 C.F.R. § 200.333

49 C.F.R. part 633

Applicability to Contracts

The record keeping and access requirements apply to all contracts funded in whole or in part with FTA funds. Under 49 U.S.C. § 5325(g), FTA has the right to examine and inspect all records, documents, and papers, including contracts, related to any FTA project financed with Federal assistance authorized by 49 U.S.C. Chapter 53.

Flow Down

The record keeping and access requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subcontracts at every tier.

Model Clause/Language

There is no required language for record keeping and access requirements. Recipients can draw on the following language for inclusion in their federally funded procurements.

Access to Records and Reports

- a. **Record Retention.** The Contractor will retain, and will require its subcontractors of all tiers to retain, complete and readily accessible records related in whole or in part to the contract, including, but not limited to, data, documents, reports, statistics, sub-agreements, leases, subcontracts, arrangements, other third party agreements of any type, and supporting materials related to those records.
- b. **Retention Period.** The Contractor agrees to comply with the record retention requirements in accordance with 2 C.F.R. § 200.333. The Contractor shall maintain all books, records, accounts and reports required under this Contract for a period of at not less than three (3)

ATTACHMENT 4.F

years after the date of termination or expiration of this Contract, except in the event of litigation or settlement of claims arising from the performance of this Contract, in which case records shall be maintained until the disposition of all such litigation, appeals, claims or exceptions related thereto.

- c. Access to Records. The Contractor agrees to provide sufficient access to FTA and its contractors to inspect and audit records and information related to performance of this contract as reasonably may be required.
- d. Access to the Sites of Performance. The Contractor agrees to permit FTA and its contractors access to the sites of performance under this contract as reasonably may be required.

A.2 BONDING REQUIREMENTS

2 C.F.R. § 200.325

31 C.F.R. part 223

Applicability to Contracts

Bonds are required for all construction or facility improvement contracts and subcontracts exceeding the simplified acquisition threshold. FTA may accept the bonding policy and requirements of the recipient if FTA has determined that the Federal interest is adequately protected. If such a determination has **not** been made, the following minimum requirements apply:

- a. A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- b. A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- c. A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

Flow Down

These requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subcontracts at every tier that exceed the simplified acquisition threshold.

Model Clauses/Language

There is no required language for bonding requirements. Recipients can draw on the following language for inclusion in their federally funded procurements.

Bond Requirements

Bid Guarantee

Bidders shall furnish a bid guaranty in the form of a bid bond, or certified treasurer's or cashier's check issued by a responsible bank or trust company, made payable to the RECIPIENT. The amount of such guaranty shall be equal to \$\$\$\$ or X% of the total bid price.

In submitting this bid, it is understood and agreed by bidder that the RECIPIENT reserves the right to reject any and all bids, or part of any bid, and it is agreed that the Bid may not be withdrawn for a period of [90] days subsequent to the opening of bids, without the written consent of RECIPIENT.

It is also understood and agreed that if the undersigned bidder should withdraw any part or all of his bid within [90] days after the bid opening without the written consent of the RECIPIENT, or refuse or be unable to enter into this Contract as provided above, or refuse or be unable to furnish adequate and acceptable Performance and Payment Bonds, or refuse or be unable to furnish adequate and acceptable insurance, as provided above, it shall forfeit its bid guaranty to the extent RECIPIENT'S damages occasioned by such withdrawal, or refusal, or inability to enter into an agreement, or provide adequate security thereof.

It is further understood and agreed that to the extent the defaulting bidder's bid guaranty shall prove inadequate to fully recompense RECIPIENT for the damages occasioned by default, then the undersigned bidder agrees to indemnify RECIPIENT and pay over to RECIPIENT the difference between the bid guarantee and RECIPIENT'S total damages so as to make RECIPIENT whole.

The undersigned understands that any material alteration of any of the above or any of the material contained herein, other than that requested will render the bid unresponsive.

Performance Guarantee

A Performance Guarantee in the amount of 100% of the Contract value is required by the Recipient to ensure faithful performance of the Contract. Either a Performance Bond or an Irrevocable Stand-By Letter of Credit shall be provided by the Contractor and shall remain in full force for the term

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of the Agreement. The successful Bidder shall certify that it will provide the requisite Performance Guarantee to the RECIPIENT within ten (10) business days from Contract execution. The RECIPIENT requires all Performance Bonds to be provided by a fully qualified surety company acceptable to the RECIPIENT and listed as a company currently authorized under 31 C.F.R. part 22 as possessing a Certificate of Authority as described hereunder. RECIPIENT may require additional performance bond protection when the contract price is increased. The increase in protection shall generally equal 100 percent of the increase in contract price. The RECIPIENT may secure additional protection by directing the Contractor to increase the amount of the existing bond or to obtain an additional bond.

If the Bidder chooses to provide a Letter of Credit as its Performance Guarantee, the Bidder shall furnish with its bid, certification that an Irrevocable Stand-By Letter of Credit will be furnished should the Bidder become the successful Contractor. The Bidder shall also provide a statement from the banking institution certifying that an Irrevocable Stand-By Letter of Credit for the action will be provided if the Contract is awarded to the Bidder. The Irrevocable Stand-By Letter of Credit will only be accepted by the RECIPIENT if:

1. A bank in good standing issues it. The RECIPIENT will not accept a Letter of Credit from an entity other than a bank.
2. It is in writing and signed by the issuing bank.
3. It conspicuously states that it is an irrevocable, non-transferable, "standby" Letter of Credit.
4. The RECIPIENT is identified as the Beneficiary.
5. It is in an amount equal to **100%** of the Contract value. This amount must be in U.S. dollars.
6. The effective date of the Letter of Credit is the same as the effective date of the Contract
7. The expiration date of the Letter of Credit coincides with the term of this Agreement.
8. It indicates that it is being issued in order to support the obligation of the Contractor to perform under the Contract. It must specifically reference the Contract between the RECIPIENT and the Contractor the work stipulated herein.

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The issuing bank's obligation to pay will arise upon the presentation of the original Letter of Credit and a certificate and draft (similar to the attached forms contained in Sections X and Y) to the issuing bank's representative at a location and time to be determined by the parties. This documentation will indicate that the Contractor is in default under the Contract.

Payment Bonds

A Labor and Materials Payment Bond equal to the full value of the contract must be furnished by the contractor to Recipient as security for payment by the Contractor and subcontractors for labor, materials, and rental of equipment. The bond may be issued by a fully qualified surety company acceptable to (Recipient) and listed as a company currently authorized under 31 C.F.R. part 223 as possessing a Certificate of Authority as described thereunder.

Sample Bond Certifications

Performance Guarantee Certification

The undersigned hereby certifies that the Bidder shall provide a Performance Guarantee in accordance with the Specifications.

Designate below which form of Performance Guarantee shall be provided:

_____ Performance Bond

_____ Irrevocable Stand-By-Letter of Credit

BIDDER'S NAME: _____

AUTHORIZED

SIGNATURE:

TITLE: _____

DATE: _____

Performance Bond

KNOW ALL MEN BY THESE PRESENTS: that _____

(Insert full name and address and legal title of Contractor) as Principal, hereinafter called Contractor, and

(Insert full name and address or legal title of Surety) as Surety, hereinafter called Surety, are held and firmly bound unto RECIPIENT as Obligee, hereinafter called Authority, in the amount of __Dollars (\$) for the payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has by written agreement dated __, 20____, entered into a contract with the RECIPIENT for Contract No._____, which contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Contractor shall promptly and faithfully perform said Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety hereby waives notice of any alteration or extension of time made by the RECIPIENT.

Whenever Contractor shall be, and is declared by the RECIPIENT to be in default under the Contract, the RECIPIENT having performed RECIPIENT'S obligations thereunder, the Surety may promptly remedy the default, or shall promptly

1. Complete the Contract in accordance with its terms and conditions, or

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2. Obtain a bid or bids for completing the Contract in accordance with its terms and conditions, and upon determination by Surety of the lowest responsible bidder, or, if the RECIPIENT elects, upon determination by the RECIPIENT and the Surety jointly of the lowest responsible bidder, arrange for a contract between such bidder and the Authority, and make available as Work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the contract price; but not exceeding, the amount set forth in the first paragraph hereof. The term "balance of the contract price," as used in this paragraph, shall mean the total amount payable by the RECIPIENT to Contractor under the Contract and any amendments thereto, less the amount properly paid by the RECIPIENT to Contractor.

Any suit under this bond must be instituted before the expiration of two (2) years from the date on which final payment under the Contract falls due.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the RECIPIENT or the heirs, executors, administrators or successors of the RECIPIENT.

Signed and sealed this _____ day of _____ 20____.

WITNESS

PRINCIPAL

_____(SEAL)

_____(Title)

WITNESS

SURETY

_____(SEAL)

_____(Title)

Attach hereto proof of authority of officers or agents to sign bond.

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Irrevocable Stand-By Letter Of Credit Certificate

The undersigned states that he/she is _____ of the

(Title)

_____(The "Beneficiary") and hereby

(Name of Beneficiary)

Certifies on behalf of the Beneficiary to _____(the "Bank), with

(Name of Issuing Bank)

Reference to Irrevocable Standby Letter of Credit No. _____ Issued by the

Bank (the "Letter of Credit"), that:

1. The undersigned is duly authorized to execute and deliver this certificate on behalf of the Beneficiary.
2. The Beneficiary is making a drawing under the Letter of Credit.
3. An Event of Default has occurred under Contract No. _____.
4. The amount of the draft presented with this certificate does not exceed the total maximum amount drawable today under the Letter of Credit as provided therein.

IN WITNESS WHEREOF, this certificate is executed this _____ day of _____, 20____.

(NAME OF BENEFICIARY)

By: _____

Its: _____

Bank Draft

FOR VALUE RECEIVED

Pay on presentment to _____ the sum of _____
_____ (Name of Beneficiary) Dollars (\$)

Charge the Account of _____ Irrevocably Standby Letter of
(Name of Issuing Bank)

Credit No. _____ Dated: 20_____.

To _____
(Name of Issuing Bank)

NAME OF BENEFICIARY

By _____

Its _____

A.3 BUS TESTING

49 U.S.C. § 5318(e)

49 C.F.R. part 665

Applicability to Contracts

The Bus Testing requirements pertain only to the purchase or lease of any new bus model, or any bus model with a major change in configuration or components to be acquired or leased with funds obligated by FTA. Recipients are responsible for determining whether a vehicle to be acquired requires full or partial testing or has already satisfied the bus testing requirements by achieving a passing test score in accordance with 49 C.F.R. part 665. Recipients must certify compliance with FTA's bus testing requirements in all grant applications for FTA funding for bus procurements.

Flow Down

There is no flow down requirement for Bus Testing.

Model Clause/Language

The operator of the bus testing facility is required to provide the resulting test report to the entity that submits the bus for testing. The manufacturer or dealer of a new bus model or a bus produced with a major change in component or configuration is required to provide a copy of the corresponding full bus testing report and any applicable partial testing report(s) to the recipient during the point in the procurement process specified by the recipient, but in all cases before final acceptance of the first bus by the recipient. The complete bus testing reporting requirements are provided in 49 C.F.R. § 665.11. Although no specific certification and bus testing language is required, recipients can draw on the following language for inclusion in their federally funded procurements.

Bus Testing

The Contractor [Manufacturer] agrees to comply with the Bus Testing requirements under 49 U.S.C. 5318(e) and FTA's implementing regulation at 49 C.F.R. part 665 to ensure that the requisite testing is performed for all new bus models or any bus model with a major change in configuration or

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components, and that the bus model has achieved a passing score. Upon completion of the testing, the contractor shall obtain a copy of the bus testing reports from the operator of the testing facility and make that report(s) publicly available prior to final acceptance of the first vehicle by the recipient.

A.4 BUY AMERICA REQUIREMENTS

49 U.S.C. 5323(j)

49 C.F.R. part 661

Applicability to Contracts

FTA's Buy America law and regulations apply to projects that involve the purchase of more than \$150,000 of iron, steel, manufactured goods, or rolling stock to be delivered to the recipient to be used in an FTA assisted project. FTA cautions that its Buy America regulations are complex. Recipients can obtain detailed information on FTA's Buy America regulation at: [The Federal Transit Administration's Buy America website](#).

Flow Down

The Buy America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance.

Model Clause/Language

The Buy America regulation at 49 C.F.R. § 661.13 requires notification of the Buy America requirements in a recipients' bid or request for proposal for FTA funded contracts. Recipients can draw on the following language for inclusion in their federally funded procurements. Note that recipients are responsible for including the correct Buy America certification based on what they are acquiring. Recipients should not include both the rolling stock and steel, iron, or manufactured products certificates in the documents unless acquiring both in the same procurement.

Buy America

The contractor agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. part 661, which provide that Federal funds may not be obligated unless all steel, iron, and manufactured products used in FTA funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. § 661.7. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. § 661.11.

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The [bidder or offeror] must submit to [Recipient] the appropriate Buy America certification below with its [bid or offer]. Bids or offers that are not accompanied by a completed Buy America certification will be rejected as nonresponsive.

In accordance with 49 C.F.R. § 661.6, for the procurement of steel, iron or manufactured products, use the certifications below.

Certificate of Compliance with Buy America Requirements

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(1), and the applicable regulations in 49 C.F.R. part 661.

Date: _____

Signature: _____

Company: _____

Name: _____

Title: _____

Certificate of Non-Compliance with Buy America Requirements

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j), but it may qualify for an exception to the requirement pursuant to 49 U.S.C. 5323(j)(2), as amended, and the applicable regulations in 49 C.F.R. § 661.7.

Date: _____

Signature: _____

Company: _____

Name: _____

Title: _____

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In accordance with 49 C.F.R. § 661.12, for the procurement of rolling stock (including train control, communication, and traction power equipment) use the following certifications:

Certificate of Compliance with Buy America Rolling Stock Requirements

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j), and the applicable regulations of 49 C.F.R. § 661.11.

Date: _____

Signature: _____

Company: _____

Name: _____

Title: _____

Certificate of Non-Compliance with Buy America Rolling Stock Requirements

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j), but may qualify for an exception to the requirement consistent with 49 U.S.C. 5323(j)(2)(C), and the applicable regulations in 49 C.F.R. § 661.7.

Date:

Signature:

Company:

Name: _____

Title: _____

A.5 CARGO PREFERENCE REQUIREMENTS

46 U.S.C. § 55305

46 C.F.R. part 381

Applicability to Contracts

The Cargo Preference Act of 1954 requirements applies to all contracts involving equipment, materials, or commodities that may be transported by ocean vessels.

Flow Down

The Cargo Preference requirements apply to all contracts involved with the transport of equipment, material, or commodities by ocean vessel.

Model Clause/Language

The Maritime Administration (MARAD) regulations at 46 C.F.R. § 381.7 contain suggested contract clauses. Recipients can draw on the following language for inclusion in their federally funded procurements.

Cargo Preference - Use of United States-Flag Vessels

The contractor agrees:

- a. to use privately owned United States-Flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to the underlying contract to the extent such vessels are available at fair and reasonable rates for United States-Flag commercial vessels;
- b. to furnish within 20 working days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, "on-board" commercial ocean bill-of-lading in English for each shipment of cargo described in the

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preceding paragraph to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590 and to the FTA recipient (through the contractor in the case of a subcontractor's bill-of-lading.); and

- c. to include these requirements in all subcontracts issued pursuant to this contract when the subcontract may involve the transport of equipment, material, or commodities by ocean vessel.

A.6 CHARTER SERVICE

49 U.S.C. 5323(d) and (r)

49 C.F.R. part 604

Applicability to Contracts

The Charter Bus requirements apply to contracts for operating public transportation service.

Flow Down Requirements

The Charter Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

Model Clause/Language

The relevant statutes and regulations do not mandate any specific clause or language. Recipients can draw on the following language for inclusion in their federally funded procurements.

Charter Service

The contractor agrees to comply with 49 U.S.C. 5323(d), 5323(r), and 49 C.F.R. part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except as permitted under:

1. Federal transit laws, specifically 49 U.S.C. § 5323(d);
2. FTA regulations, "Charter Service," 49 C.F.R. part 604;
3. Any other federal Charter Service regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

The contractor agrees that if it engages in a pattern of violations of FTA's Charter Service regulations, FTA may require corrective measures or impose remedies on it. These corrective measures and remedies may include:

1. Barring it or any subcontractor operating public transportation under its Award that has provided prohibited charter service from receiving federal assistance from FTA;

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2. Withholding an amount of federal assistance as provided by Appendix D to part 604 of FTA's Charter Service regulations; or
3. Any other appropriate remedy that may apply.

The contractor should also include the substance of this clause in each subcontract that may involve operating public transit services.

A.7 CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

42 U.S.C. §§ 7401 – 7671q

33 U.S.C. §§ 1251-1387

2 C.F.R. part 200, Appendix II (G)

Applicability to Contracts

The Clean Air and Clean Water Act requirements apply to each contract and subcontract exceeding \$150,000. Each contract and subcontract must contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

Flow Down

The Clean Air Act and Federal Water Pollution Control Act requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subcontracts at every tier.

Model Clause/Language

Recipients can draw on the following language for inclusion in their federally funded procurements.

The Contractor agrees:

- 1) It will not use any violating facilities;
- 2) It will report the use of facilities placed on or likely to be placed on the U.S. EPA “List of Violating Facilities;”
- 3) It will report violations of use of prohibited facilities to FTA; and
- 4) It will comply with the inspection and other requirements of the Clean Air Act, as amended, (42 U.S.C. §§ 7401 – 7671q); and the Federal Water Pollution Control Act as amended, (33 U.S.C. §§ 1251-1387).

A.8 CIVIL RIGHTS LAWS AND REGULATIONS**Applicability to Contracts**

The following Federal Civil Rights laws and regulations apply to all contracts.

1. Federal Equal Employment Opportunity (EEO) Requirements. These include, but are not limited to:
 - a. Nondiscrimination in Federal Public Transportation Programs. 49 U.S.C. § 5332, covering projects, programs, and activities financed under 49 U.S.C. Chapter 53, prohibits discrimination on the basis of race, color, religion, national origin, sex (including sexual orientation and gender identity), disability, or age, and prohibits discrimination in employment or business opportunity.
 - b. Prohibition against Employment Discrimination. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, and Executive Order No. 11246, “Equal Employment Opportunity,” September 24, 1965, as amended, prohibit discrimination in employment on the basis of race, color, religion, sex, or national origin.
2. Nondiscrimination on the Basis of Sex. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.* and implementing Federal regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 C.F.R. part 25 prohibit discrimination on the basis of sex.
3. Nondiscrimination based ON Age. The “Age Discrimination Act of 1975,” as amended, 42 U.S.C. § 6101 *et seq.*, and Department of Health and Human Services implementing regulations, “Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance,” 45 C.F.R. part 90, prohibit discrimination by participants in federally assisted programs against individuals on the basis of age. The Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621 *et seq.*, and Equal Employment Opportunity Commission (EEOC) implementing regulations, “Age

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Discrimination in Employment Act,” 29 C.F.R. part 1625, also prohibit employment discrimination against individuals age 40 and over based on age.

4. Federal Protections for Individuals with Disabilities. The Americans with Disabilities Act of 1990, as amended (ADA), 42 U.S.C. § 12101 *et seq.*, prohibits discrimination against qualified individuals with disabilities in programs, activities, and services, and imposes specific requirements on public and private entities. Third party contractors must comply with their responsibilities under Titles I, II, III, IV, and V of the ADA in employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other Federal agencies.

Flow Down

The Civil Rights requirements flow down to all third party contractors and their contracts at every tier.

Model Clause/Language

Every federally funded contract must include an Equal Opportunity clause. Recipients can draw on the following language for inclusion in their federally funded procurements.

Civil Rights and Equal Opportunity

The AGENCY is an Equal Opportunity Employer. As such, the AGENCY agrees to comply with all applicable Federal civil rights laws and implementing regulations. Apart from inconsistent requirements imposed by Federal laws or regulations, the AGENCY agrees to comply with the requirements of 49 U.S.C. § 5323(h) (3) by not using any Federal assistance awarded by FTA to support procurements using exclusionary or discriminatory specifications.

Under this Agreement, the Contractor shall at all times comply with the following requirements and shall include these requirements in each subcontract entered into as part thereof.

1. **Nondiscrimination.** In accordance with Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for

employment because of race, color, religion, national origin, sex, disability, or age. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

2. **Race, Color, Religion, National Origin, Sex.** In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e *et seq.*, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. chapter 60, and Executive Order No. 11246, "Equal Employment Opportunity in Federal Employment," September 24, 1965, 42 U.S.C. § 2000e note, as amended by any later Executive Order that amends or supersedes it, referenced in 42 U.S.C. § 2000e note. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, or sex (including sexual orientation and gender identity). Such action shall include, but not be limited to, the following: employment, promotion, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
3. **Age.** In accordance with the Age Discrimination in Employment Act, 29 U.S.C. §§ 621-634, U.S. Equal Employment Opportunity Commission (U.S. EEOC) regulations, "Age Discrimination in Employment Act," 29 C.F.R. part 1625, the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 *et seq.*, U.S. Health and Human Services regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," 45 C.F.R. part 90, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
4. **Disabilities.** In accordance with section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*, the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §

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4151 *et seq.*, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against individuals on the basis of disability. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

A.9 DISADVANTAGED BUSINESS ENTERPRISE (DBE)

49 C.F.R. part 26

Background and Applicability

The Disadvantaged Business Enterprise (DBE) program applies to FTA recipients receiving planning, capital and/or operating assistance that will award prime contracts (excluding transit vehicle purchases) exceeding \$250,000 in FTA funds in a Federal fiscal year. All FTA recipients above this threshold must submit a DBE program and overall triennial goal for DBE participation. The overall goal reflects the anticipated amount of DBE participation on DOT-assisted contracts. As part of its DBE program, FTA recipients must require that each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA assisted transit vehicle procurements, certify that it has complied with the requirements of 49 C.F.R. § 26.49. Only those transit vehicle manufacturers listed on FTA's certified list of Transit Vehicle Manufacturers, or that have submitted a goal methodology to FTA that has been approved or has not been disapproved at the time of solicitation, are eligible to bid.

FTA recipients must meet the maximum feasible portion of their overall goal using race-neutral methods. Where appropriate, however, recipients are responsible for establishing DBE contract goals on individual DOT-assisted contracts. FTA recipients may use contract goals only on those DOT-assisted contracts that have subcontracting responsibilities. See 49 C.F.R. § 26.51(e). Furthermore, while FTA recipients are not required to set a contract goal on every DOT-assisted contract, they are responsible for achieving their overall program goals by administering their DBE program in good faith.

FTA recipients and third party contractors can obtain information about the DBE program at the following website locations:

[Federal Transit Administration website Disadvantaged Business Enterprise page click here](#)

[Department of Transportation website Disadvantaged Business Enterprise Program click here](#)

Flow Down

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The DBE contracting requirements flow down to all third party contractors and their contracts at every tier. It is the recipient's and prime contractor's responsibility to ensure the DBE requirements are applied across the board to all subrecipients/contractors/subcontractors. Should a subcontractor fail to comply with the DBE regulations, FTA would look to the recipient to make sure it intervenes to monitor compliance. The onus for compliance is on the recipient.

Clause Language

For all DOT-assisted contracts, each FTA recipient must include assurances that third party contractors will comply with the DBE program requirements of 49 C.F.R. part 26, when applicable. The following contract clause is required in all DOT-assisted prime and subcontracts:

The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible. 49 C.F.R. § 26.13(b).

Further, recipients must establish a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment the recipient makes to the prime contractor. 49 C.F.R. § 26.29(a). Finally, for contracts with defined DBE contract goals, each FTA recipient must include in each prime contract a provision stating that the contractor shall utilize the specific DBEs listed unless the contractor obtains the recipient's written consent; and that, unless the recipient's consent is provided, the contractor shall not be entitled

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to any payment for work or material unless it is performed or supplied by the listed DBE. 49 C.F.R. § 26.53(f) (1).

As an additional resource, recipients can draw on the following language for inclusion in their federally funded procurements.

Overview

It is the policy of the AGENCY and the United States Department of Transportation (“DOT”) that Disadvantaged Business Enterprises (“DBE’s”), as defined herein and in the Federal regulations published at 49 C.F.R. part 26, shall have an equal opportunity to participate in DOT-assisted contracts. It is also the policy of the AGENCY to:

1. Ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. Create a level playing field on which DBE’s can compete fairly for DOT-assisted contracts;
3. Ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 C.F.R. part 26 eligibility standards are permitted to participate as DBE’s;
5. Help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To promote the use of DBEs in all types of federally assisted contracts and procurement activities; and
7. Assist in the development of firms that can compete successfully in the marketplace outside the DBE program.

This Contract is subject to 49 C.F.R. part 26. Therefore, the Contractor must satisfy the requirements for DBE participation as set forth herein. These requirements are in addition to all other equal opportunity employment requirements of this Contract. The AGENCY shall make all determinations with regard to whether or not a Bidder/Offeror is in compliance with the requirements stated herein. In assessing compliance, the AGENCY may consider during its review of the Bidder/Offeror’s submission package, the Bidder/Offeror’s documented history of non-compliance with DBE requirements on previous contracts with the AGENCY.

Contract Assurance

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The Contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Contract. The Contractor shall carry out applicable requirements of 49 C.F.R. part 26 in the award and administration of DOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as the AGENCY deems appropriate.

DBE Participation

For the purpose of this Contract, the AGENCY will accept only DBE's who are:

1. Certified, at the time of bid opening or proposal evaluation, by the [*certifying agency or the Unified Certification Program (UCP)*]; or
2. An out-of-state firm who has been certified by either a local government, state government or Federal government entity authorized to certify DBE status or an agency whose DBE certification process has received FTA approval; or
3. Certified by another agency approved by the AGENCY.

DBE Participation Goal

The DBE participation goal for this Contract is set at _____%. This goal represents those elements of work under this Contract performed by qualified Disadvantaged Business Enterprises for amounts totaling **not less than** _____% of the total Contract price. Failure to meet the stated goal at the time of proposal submission **may** render the Bidder/Offeror non-responsive.

Proposed Submission

Each Bidder/Offeror, as part of its submission, shall supply the following information:

1. A completed **DBE Utilization Form** (see below) that indicates the percentage and dollar value of the total bid/contract amount to be supplied by Disadvantaged Business Enterprises under this Contract.
2. A list of those qualified DBE's with whom the Bidder/Offeror intends to contract for the performance of portions of the work under the Contract, the agreed price to be paid to

ATTACHMENT 4.F

each DBE for work, the Contract items or parts to be performed by each DBE, a proposed timetable for the performance or delivery of the Contract item, and other information as required by the **DBE Participation Schedule** (see below). No work shall be included in the Schedule that the Bidder/Offeror has reason to believe the listed DBE will subcontract, at any tier, to other than another DBE. If awarded the Contract, the Bidder/Offeror may not deviate from the DBE Participation Schedule submitted in response to the bid. Any subsequent changes and/or substitutions of DBE firms will require review and written approval by the AGENCY.

3. An original **DBE Letter of Intent** (see below) from each DBE listed in the **DBE Participation Schedule**.
4. An original **DBE Affidavit** (see below) from each DBE stating that there has not been any change in its status since the date of its last certification.

Good Faith Efforts

If the Bidder/Offeror is unable to meet the goal set forth above (DBE Participation Goal), the AGENCY will consider the Bidder/Offeror's documented good faith efforts to meet the goal in determining responsiveness. The types of actions that the AGENCY will consider as part of the Bidder/Offeror's good faith efforts include, but are not limited to, the following:

1. Documented communication with the AGENCY's DBE Coordinator (questions of IFB or RFP requirements, subcontracting opportunities, appropriate certification, will be addressed in a timely fashion);
2. Pre-bid meeting attendance. At the pre-bid meeting, the AGENCY generally informs potential Bidder/Offeror's of DBE subcontracting opportunities;
3. The Bidder/Offeror's own solicitations to obtain DBE involvement in general circulation media, trade association publication, minority-focus media and other reasonable and available means within sufficient time to allow DBEs to respond to the solicitation;
4. Written notification to DBE's encouraging participation in the proposed Contract; and
5. Efforts made to identify specific portions of the work that might be performed by DBE's.

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The Bidder/Offeror shall provide the following details, at a minimum, of the specific efforts it made to negotiate in good faith with DBE's for elements of the Contract:

1. The names, addresses, and telephone numbers of DBE's that were contacted;
2. A description of the information provided to targeted DBE's regarding the specifications and bid proposals for portions of the work;
3. Efforts made to assist DBE's contacted in obtaining bonding or insurance required by the Bidder or the Authority.

Further, the documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted when a non-DBE subcontractor was selected over a DBE for work on the contract. 49 C.F.R. § 26.53(b) (2) (VI). In determining whether a Bidder has made good faith efforts, the Authority may take into account the performance of other Bidders in meeting the Contract goals. For example, if the apparent successful Bidder failed to meet the goal, but meets or exceeds the average DBE participation obtained by other Bidders, the Authority may view this as evidence of the Bidder having made good faith efforts.

Administrative Reconsideration

Within five (5) business days of being informed by the AGENCY that it is not responsive or responsible because it has not documented sufficient good faith efforts, the Bidder/Offeror may request administrative reconsideration. The Bidder should make this request in writing to the AGENCY's [Contact Name]. The [Contact Name] will forward the Bidder/Offeror's request to a reconsideration official who will not have played any role in the original determination that the Bidder/Offeror did not document sufficient good faith efforts.

As part of this reconsideration, the Bidder/Offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The Bidder/Offeror will have the opportunity to meet in person with the assigned reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The AGENCY will send the Bidder/Offeror a written decision on its reconsideration, explaining the basis for finding that the Bidder/Offeror did or did not meet the goal or make adequate

good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Termination of DBE Subcontractor

The Contractor shall not terminate the DBE subcontractor(s) listed in the **DBE Participation Schedule** (see below) without the AGENCY's prior written consent. The AGENCY may provide such written consent only if the Contractor has good cause to terminate the DBE firm. Before transmitting a request to terminate, the Contractor shall give notice in writing to the DBE subcontractor of its intent to terminate and the reason for the request. The Contractor shall give the DBE five days to respond to the notice and advise of the reasons why it objects to the proposed termination. When a DBE subcontractor is terminated or fails to complete its work on the Contract for any reason, the Contractor shall make good faith efforts to find another DBE subcontractor to substitute for the original DBE and immediately notify the AGENCY in writing of its efforts to replace the original DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the Contract as the DBE that was terminated, to the extent needed to meet the Contract goal established for this procurement. Failure to comply with these requirements will be in accordance with Section 8 below (Sanctions for Violations).

Continued Compliance

The AGENCY shall monitor the Contractor's DBE compliance during the life of the Contract. In the event this procurement exceeds ninety (90) days, **it will be the responsibility of the Contractor to submit quarterly written reports to the AGENCY that** summarize the total DBE value for this Contract. These reports shall provide the following details:

- DBE utilization established for the Contract;
- Total value of expenditures with DBE firms for the quarter;
- The value of expenditures with each DBE firm for the quarter by race and gender;
- Total value of expenditures with DBE firms from inception of the Contract; and
- The value of expenditures with each DBE firm from the inception of the Contract by race and gender.

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Reports and other correspondence must be submitted to the DBE Coordinator with copies provided to the [Agency Name1] and [Agency Name2]. Reports shall continue to be submitted quarterly until final payment is issued or until DBE participation is completed.

The successful Bidder/Offeror shall permit:

- The AGENCY to have access to necessary records to examine information as the AGENCY deems appropriate for the purpose of investigating and determining compliance with this provision, including, but not limited to, records of expenditures, invoices, and contract between the successful Bidder/Offeror and other DBE parties entered into during the life of the Contract.
- The authorized representative(s) of the AGENCY, the U.S. Department of Transportation, the Comptroller General of the United States, to inspect and audit all data and record of the Contractor relating to its performance under the Disadvantaged Business Enterprise Participation provision of this Contract.
- All data/record(s) pertaining to DBE shall be maintained as stated in Section [insert reference to record keeping requirements for the Project.]

Sanctions for Violations

If at any time the AGENCY has reason to believe that the Contractor is in violation of its obligations under this Agreement or has otherwise failed to comply with terms of this Section, the AGENCY may, in addition to pursuing any other available legal remedy, commence proceedings, which may include but are not limited to, the following:

- Suspension of any payment or part due the Contractor until such time as the issues concerning the Contractor's compliance are resolved; and
- Termination or cancellation of the Contract, in whole or in part, unless the successful Contractor is able to demonstrate within a reasonable time that it is in compliance with the DBE terms stated herein.

DBE UTILIZATION FORM

The undersigned Bidder/Offeror has satisfied the requirements of the solicitation in the following manner (please check the appropriate space):

_____ The Bidder/Offer is committed to a minimum of _____% DBE utilization on this contract.

_____ The Bidder/Offeror (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract and submits documentation demonstrating good faith efforts.

DBE PARTICIPATION SCHEDULE

The Bidder/Offeror shall complete the following information for all DBE's participating in the contract that comprises the DBE Utilization percent stated in the DBE Utilization Form. The Bidder/Offeror shall also furnish the name and telephone number of the appropriate contact person should the Authority have any questions in relation to the information furnished herein.

DBE IDENTIFICATION AND INFORMATION FORM

Name and Address	Contact Name and Telephone Number	Participation Percent (Of Total Contract Value)	Description Of Work To Be Performed	Race and Gender of Firm

A.10 EMPLOYEE PROTECTIONS

49 U.S.C. § 5333(a)

40 U.S.C. §§ 3141 – 3148

29 C.F.R. part 5

18 U.S.C. § 874

29 C.F.R. part 3

40 U.S.C. §§3701-3708

29 C.F.R. part 1926

Applicability to Contracts

Certain employee protections apply to all FTA funded contracts with particular emphasis on construction related projects. The recipient will ensure that each third party contractor complies with all federal laws, regulations, and requirements, including:

1. Prevailing Wage Requirements

- a. Federal transit laws, specifically 49 U.S.C. § 5333(a), (FTA’s “Davis-Bacon Related Act”);
- b. The Davis-Bacon Act, 40 U.S.C. §§ 3141 – 3144, 3146, and 3147; and
- c. U.S. DOL regulations, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Non-construction Contracts Subject to the Contract Work Hours and Safety Standards Act),” 29 C.F.R. part 5.

2. “Anti-Kickback” Prohibitions

- a. Section 1 of the Copeland “Anti-Kickback” Act, as amended, 18 U.S.C. § 874;
- b. Section 2 of the Copeland “Anti-Kickback” Act, as amended, 40 U.S.C. § 3145; and
- c. U.S. DOL regulations, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in part by Loans or Grants from the United States,” 29 C.F.R. part 3.

3. Contract Work Hours and Safety Standards

- a. Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. §§ 3701-3708; and supplemented by Department of Labor (DOL) regulations, 29 C.F.R. part 5; and

- b. U.S. DOL regulations, “Safety and Health Regulations for Construction,” 29 C.F.R. part 1926.

Flow Down

These requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subcontracts at every tier. The Davis-Bacon Act and the Copeland “Anti-Kickback” Act apply to all prime construction, alteration or repair contracts in excess of \$2,000. The Contract Work Hours and Safety Standards Act apply to all FTA funded contracts in excess of \$100,000 that involve the employment of mechanics or laborers.

Model Clause/Language

The recipient must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. In addition, recipients can draw on the following language for inclusion in their federally funded procurements.

Prevailing Wage and Anti-Kickback

For all prime construction, alteration or repair contracts in excess of \$2,000 awarded by FTA, the Contractor shall comply with the Davis-Bacon Act and the Copeland “Anti-Kickback” Act. Under 49 U.S.C. § 5333(a), prevailing wage protections apply to laborers and mechanics employed on FTA assisted construction, alteration, or repair projects. The Contractor will comply with the Davis-Bacon Act, 40 U.S.C. §§ 3141-3144, and 3146-3148 as supplemented by DOL regulations at 29 C.F.R. part 5, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction.” In accordance with the statute, the Contractor shall pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, the Contractor agrees to pay wages not less than once a week. The Contractor shall also comply with the Copeland “Anti-Kickback” Act (40 U.S.C. § 3145), as supplemented by DOL regulations at 29 C.F.R. part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in part by Loans or Grants from the United States.” The Contractor is prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled.

Contract Work Hours and Safety Standards

For all contracts in excess of \$100,000 that involve the employment of mechanics or laborers, the Contractor shall comply with the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 3701-3708), as supplemented by the DOL regulations at 29 C.F.R. part 5. Under 40 U.S.C. § 3702 of the Act, the Contractor shall compute the wages of every mechanic and laborer, including watchmen and guards, on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. § 3704 are applicable to construction work and provide that no laborer or mechanic be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchase of supplies or materials or articles ordinarily available on the open market, or to contracts for transportation or transmission of intelligence.

In the event of any violation of the clause set forth herein, the Contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, the Contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of this clause in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by this clause.

The FTA shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the Contractor or subcontractor under any such contract or any other Federal contract with the same prime Contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime Contractor, such sums as may be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in this section.

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The Contractor or subcontractor shall insert in any subcontracts the clauses set forth in this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in this agreement.

Contract Work Hours and Safety Standards for Awards Not Involving Construction

The Contractor shall comply with all federal laws, regulations, and requirements providing wage and hour protections for non-construction employees, in accordance with 40 U.S.C. § 3702, Contract Work Hours and Safety Standards Act, and other relevant parts of that Act, 40 U.S.C. § 3701 *et seq.*, and U.S. DOL regulations, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Non-construction Contracts Subject to the Contract Work Hours and Safety Standards Act),” 29 C.F.R. part 5.

The Contractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three (3) years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid.

Such records maintained under this paragraph shall be made available by the Contractor for inspection, copying, or transcription by authorized representatives of the FTA and the Department of Labor, and the Contractor will permit such representatives to interview employees during working hours on the job.

The contractor shall require the inclusion of the language of this clause within subcontracts of all tiers.

A.11 ENERGY CONSERVATION

42 U.S.C. 6321 *et seq.*

49 C.F.R. part 622, subpart C

Applicability to Contracts

The Energy Policy and Conservation requirements are applicable to all contracts. The Recipient agrees to, and assures that its subrecipients, if any, will comply with the mandatory energy standards and policies of its state energy conservation plans under the Energy Policy and Conservation Act, as amended, 42 U.S.C. § 6201 *et seq.*, and perform an energy assessment for any building constructed, reconstructed, or modified with federal assistance as required under FTA regulations, “Requirements for Energy Assessments,” 49 C.F.R. part 622, subpart C.

Flow Down

These requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subcontracts at every tier.

Model Clause/Language

No specific clause is recommended in the regulations because the Energy Conservation requirements are so dependent on the state energy conservation plan. Recipients can draw on the following language for inclusion in their federally funded procurements.

Energy Conservation

The contractor agrees to comply with mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

A.12 FLY AMERICA

49 U.S.C. § 40118

41 C.F.R. part 301-10

48 C.F.R. part 47.4

Applicability to Contracts

The Fly America requirements apply to the transportation of persons or property, by air, between a place in the U.S. and a place outside the U.S., or between places outside the U.S., when the FTA will participate in the costs of such air transportation. Transportation on a foreign air carrier is permissible when provided by a foreign air carrier under a code share agreement when the ticket identifies the U.S. air carrier's designator code and flight number. Transportation by a foreign air carrier is also permissible if there is a bilateral or multilateral air transportation agreement to which the U.S. Government and a foreign government are parties and which the U.S. DOT has determined meets the requirements of the Fly America Act.

Flow Down Requirements

The Fly America requirements flow down from FTA recipients and subrecipients to first tier contractors who are responsible for ensuring that lower tier contractors and subcontractors are in compliance.

Model Clause/Language

The relevant statutes and regulations do not require any specific clause or language that recipients use in their third party contracts. A sample clause is provided for Federal contracts at 48 C.F.R. 52.247-63. Recipients can draw on the following language for inclusion in their federally funded procurements.

FTA proposes the following language, modified from the Federal clause.

Fly America Requirements

- a) *Definitions.* As used in this clause--

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“International air transportation” means transportation by air between a place in the United States and a place outside the United States or between two places both of which are outside the United States.

“United States” means the 50 States, the District of Columbia, and outlying areas.

“U.S.-flag air carrier” means an air carrier holding a certificate under 49 U.S.C. Chapter 411.

- b) When Federal funds are used to fund travel, Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118) (Fly America Act) requires contractors, recipients, and others use U.S.-flag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. It requires the Comptroller General of the United States, in the absence of satisfactory proof of the necessity for foreign-flag air transportation, to disallow expenditures from funds, appropriated or otherwise established for the account of the United States, for international air transportation secured aboard a foreign-flag air carrier if a U.S.-flag air carrier is available to provide such services.
- c) If available, the Contractor, in performing work under this contract, shall use U.S.-flag carriers for international air transportation of personnel (and their personal effects) or property.
- d) In the event that the Contractor selects a carrier other than a U.S.-flag air carrier for international air transportation, the Contractor shall include a statement on vouchers involving such transportation essentially as follows:

Statement of Unavailability of U.S.-Flag Air Carriers

International air transportation of persons (and their personal effects) or property by U.S.-flag air carrier was not available or it was necessary to use foreign-flag air carrier service for the following reasons. See FAR § 47.403. *[State reasons]:*

(End of statement)

- e) The Contractor shall include the substance of this clause, including this paragraph (e), in each subcontract or purchase under this contract that may involve international air transportation.

(End of Clause)

A.13 GOVERNMENT-WIDE DEBARMENT AND SUSPENSION

2 C.F.R. part 180

2 C.F.R. part 1200

2 C.F.R. § 200.213

2 C.F.R. part 200 Appendix II (I)

Executive Order 12549

Executive Order 12689

Background and Applicability

A contract award (of any tier) in an amount expected to equal or exceed \$25,000 or a contract award at any tier for a federally required audit (irrespective of the contract amount) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 C.F.R. part 180. The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

Recipients, contractors, and subcontractors (at any level) that enter into covered transactions are required to verify that the entity (as well as its principals and affiliates) with which they propose to contract or subcontract is not excluded or disqualified. This is done by: (a) checking the SAM exclusions; (b) collecting a certification from that person; or (c) adding a clause or condition to the contract or subcontract.

Flow Down

Recipients, contractors, and subcontractors who enter into covered transactions with a participant at the next lower level, must require that participant to: (a) comply with subpart C of 2 C.F.R. part 180, as supplemented by 2 C.F.R. part 1200; and (b) pass the requirement to comply with subpart C of 2 C.F.R. part 180 to each person with whom the participant enters into a covered transaction at the next lower tier.

Model Clause/Language

There is no required language for the Debarment and Suspension clause. Recipients can draw on the following language for inclusion in their federally funded procurements.

Debarment, Suspension, Ineligibility and Voluntary Exclusion

The Contractor shall comply and facilitate compliance with U.S. DOT regulations, “Nonprocurement Suspension and Debarment,” 2 C.F.R. part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) “Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” 2 C.F.R. part 180. These provisions apply to each contract at any tier of \$25,000 or more, and to each contract at any tier for a federally required audit (irrespective of the contract amount), and to each contract at any tier that must be approved by an FTA official irrespective of the contract amount. As such, the Contractor shall verify that its principals, affiliates, and subcontractors are eligible to participate in this federally funded contract and are not presently declared by any Federal department or agency to be:

- a) Debarred from participation in any federally assisted Award;
- b) Suspended from participation in any federally assisted Award;
- c) Proposed for debarment from participation in any federally assisted Award;
- d) Declared ineligible to participate in any federally assisted Award;
- e) Voluntarily excluded from participation in any federally assisted Award; or
- f) Disqualified from participation in any federally assisted Award.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by the AGENCY. If it is later determined by the AGENCY that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to the AGENCY, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 2 C.F.R. part 180, subpart C, as supplemented by 2 C.F.R. part 1200, while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

A.14 LOBBYING RESTRICTIONS

31 U.S.C. § 1352

2 C.F.R. § 200.450

2 C.F.R. part 200 appendix II (J)

49 C.F.R. part 20

Applicability to Contracts

The lobbying requirements apply to all contracts and subcontracts of \$100,000 or more at any tier under a Federal grant. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this agreement, the payor must complete and submit the Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Flow Down

The lobbying requirements mandate the maximum flow down pursuant to Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352(b)(5).

Model Clause/Language

49 C.F.R. part 20, Appendices A and B provide specific language for inclusion in FTA funded third party contracts as follows:

Lobbying Restrictions

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering

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into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

_____Signature of Contractor's Authorized Official

_____Name and Title of Contractor's Authorized Official

_____Date

A.15 NO GOVERNMENT OBLIGATION TO THIRD PARTIES

Applicability to Contracts

The No Obligation clause applies to all third party contracts that are federally funded.

Flow Down

The No Obligation clause extends to all third party contractors and their contracts at every tier and subrecipients and their subcontracts at every tier.

Model Clause/Language

There is no required language for the No Obligations clause. Recipients can draw on the following language for inclusion in their federally funded procurements.

No Federal Government Obligation to Third Parties.

The Recipient and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this Contract and shall not be subject to any obligations or liabilities to the Recipient, Contractor or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying Contract. The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by the FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

A.16 PATENT RIGHTS AND RIGHTS IN DATA

2 C.F.R. part 200, Appendix II (F)

37 C.F.R. part 401

Applicability to Contracts

If the recipient or subrecipient wishes to enter into a contract (or subcontract) with a small business firm or nonprofit organization for the performance of experimental, developmental, or research work under the FTA award, the recipient or subrecipient must comply with the requirements of 37 C.F.R. part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency. Except in the case of an “other agreement” in which the Federal Government has agreed to take more limited rights, the Federal Government is entitled to a non-exclusive, royalty free license to use the resulting invention, or patent the invention for Federal Government purposes. The FTA has the right to:

1. Obtain, reproduce, publish, or otherwise use the data produced under a Federal award; and
2. Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

Flow Down

The Patent Rights and Rights in Data requirements flow down to all third party contractors and their contracts at every tier that meet the definition of a research-type project under 37 U.S.C. § 401.2.

Model Clause/Language

Recipients can draw on language provided in 37 C.F.R. § 401.3 for appropriate Patent Rights and Data Rights Clauses for use in their federally funded research, development, demonstration, or special studies projects. Recipients should consult legal counsel for guidance in developing an appropriate Intellectual Property Agreement. At a minimum, recipients can include the following language in their standard boilerplates.

Intellectual Property Rights

This Project is funded through a Federal award with FTA for experimental, developmental, or research work purposes. As such, certain Patent Rights and Data Rights apply to all subject data first produced in the performance of this Contract. The Contractor shall grant the AGENCY intellectual property access and licenses deemed necessary for the work performed under this Agreement and in accordance with the requirements of 37 C.F.R. part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by FTA or U.S. DOT. The terms of an intellectual property agreement and software license rights will be finalized prior to execution of this Agreement and shall, at a minimum, include the following restrictions: Except for its own internal use, the Contractor may not publish or reproduce subject data in whole or in part, or in any manner or form, nor may the Contractor authorize others to do so, without the written consent of FTA, until such time as FTA may have either released or approved the release of such data to the public. This restriction on publication, however, does not apply to any contract with an academic institution. For purposes of this agreement, the term "subject data" means recorded information whether or not copyrighted, and that is delivered or specified to be delivered as required by the Contract. Examples of "subject data" include, but are not limited to computer software, standards, specifications, engineering drawings and associated lists, process sheets, manuals, technical reports, catalog item identifications, and related information, but do not include financial reports, cost analyses, or other similar information used for performance or administration of the Contract.

1. The Federal Government reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for "Federal Government Purposes," any subject data or copyright described below. For "Federal Government Purposes," means use only for the direct purposes of the Federal Government. Without the copyright owner's consent, the Federal Government may not extend its Federal license to any other party.
 - a. Any subject data developed under the Contract, whether or not a copyright has been obtained; and

- b. Any rights of copyright purchased by the Contractor using Federal assistance in whole or in part by the FTA.
2. Unless FTA determines otherwise, the Contractor performing experimental, developmental, or research work required as part of this Contract agrees to permit FTA to make available to the public, either FTA's license in the copyright to any subject data developed in the course of the Contract, or a copy of the subject data first produced under the Contract for which a copyright has not been obtained. If the experimental, developmental, or research work, which is the subject of this Contract, is not completed for any reason whatsoever, all data developed under the Contract shall become subject data as defined herein and shall be delivered as the Federal Government may direct.
3. Unless prohibited by state law, upon request by the Federal Government, the Contractor agrees to indemnify, save, and hold harmless the Federal Government, its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Contractor of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under that contract. The Contractor shall be required to indemnify the Federal Government for any such liability arising out of the wrongful act of any employee, official, or agents of the Federal Government.
4. Nothing contained in this clause on rights in data shall imply a license to the Federal Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Federal Government under any patent.
5. Data developed by the Contractor and financed entirely without using Federal assistance provided by the Federal Government that has been incorporated into work required by the underlying Contract is exempt from the requirements herein, provided that the Contractor identifies those data in writing at the time of delivery of the Contract work.
6. The Contractor agrees to include these requirements in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance.

A.17 PRE-AWARD AND POST-DELIVERY AUDITS OF ROLLING STOCK PURCHASES

49 U.S.C. 5323(m)

49 C.F.R. part 663

Applicability to Contracts

Recipients purchasing revenue service rolling stock with FTA funds must comply with the pre-award and post-delivery audit requirements set forth in 49 U.S.C. 5323(m) and supplemented by 49 C.F.R. part 663. For more information about pre-award and post-delivery audit requirements, please go to [FTA's Buy America](#) page on its website.

Flow Down

There is no flow down requirement for Pre-Award and Post-Delivery Audits of Rolling Stock.

Model Clause/Language

Part 663 of Title 49, Code of Federal Regulations, does not contain specific language to be included in third party contracts but does contain requirements applicable to subrecipients and third party contractors. Recipients are advised to use the model certificates and language contained in the audit handbook. Additionally, recipients can draw on the following language for inclusion in their federally funded procurements.

Pre-Award and Post-Delivery Audit Requirements

The Contractor agrees to comply with 49 U.S.C. § 5323(m) and FTA's implementing regulation at 49 C.F.R. part 663. The Contractor shall comply with the Buy America certification(s) submitted with its proposal/bid. The Contractor agrees to participate and cooperate in any pre-award and post-delivery audits performed pursuant to 49 C.F.R. part 663 and related FTA guidance.

A.18 PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS

49 U.S.C. § 5323(l) (1)

31 U.S.C. §§ 3801-3812

18 U.S.C. § 1001

49 C.F.R. part 31

Applicability to Contracts

The Program Fraud clause applies to all third party contracts that are federally funded.

Flow Down

The Program Fraud clause extends to all third party contractors and their contracts at every tier and subrecipients and their subcontracts at every tier. These requirements flow down to contractors and subcontractors who make, present, or submit covered claims and statements.

Model Clause/Language

There is no required language for the Program Fraud clause. Recipients can draw on the following language for inclusion in their federally funded procurements.

Program Fraud and False or Fraudulent Statements or Related Acts

The Contractor acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § 3801 *et seq.* and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. part 31, apply to its actions pertaining to this Project. Upon execution of the underlying contract, the Contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Contractor further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right

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to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Contractor to the extent the Federal Government deems appropriate.

The Contractor also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. chapter 53, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5323(l) on the Contractor, to the extent the Federal Government deems appropriate.

The Contractor agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

A.19 PUBLIC TRANSPORTATION EMPLOYEE PROTECTIVE ARRANGEMENTS

49 U.S.C. § 5333(b) (“13(c)”)

29 C.F.R. part 215

Applicability to Contracts

The Public Transportation Employee Protective Arrangements apply to each contract for transit operations performed by employees of a Contractor recognized by FTA to be a transit operator.

Flow Down

The employee protective arrangements clause flows down to all third party contractors and their contracts at every tier.

Model Clause/Language

There is no required language for the Public Transportation Employee Protective Arrangements clause. Recipients can draw on the following language for inclusion in their federally funded procurements.

Public Transportation Employee Protective Arrangements

The Contractor agrees to comply with the following employee protective arrangements of 49 U.S.C. § 5333(b):

1. **U.S. DOL Certification.** Under this Contract or any Amendments thereto that involve public transportation operations that are supported with federal assistance, a certification issued by U.S. DOL is a condition of the Contract.
2. **Special Warranty.** When the Contract involves public transportation operations and is supported with federal assistance appropriated or made available for 49 U.S.C. § 5311, U.S. DOL will provide a Special Warranty for its Award, including its Award of federal assistance under the Tribal Transit Program. The U.S. DOL Special Warranty is a condition of the Contract.

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3. **Special Arrangements.** The conditions of 49 U.S.C. § 5333(b) do not apply to Contractors providing public transportation operations pursuant to 49 U.S.C. § 5310. FTA reserves the right to make case-by-case determinations of the applicability of 49 U.S.C. § 5333(b) for all transfers of funding authorized under title 23, United States Code (flex funds), and make other exceptions as it deems appropriate, and, in those instances, any special arrangements required by FTA will be incorporated herein as required.

A.20 RECYCLED PRODUCTS

42 U.S.C. § 6962

40 C.F.R. part 247

2 C.F.R. part § 200.322

Applicability to Contracts

The Resource Conservation and Recovery Act, as amended, (42 U.S.C. § 6962 *et seq.*), requires States and local governmental authorities to provide a competitive preference to products and services that conserve natural resources, protect the environment, and are energy efficient. Recipients are required to procure only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000.

Flow Down

These requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subcontracts at every tier where the value of an EPA designated item exceeds \$10,000.

Model Clause/Language

There is no required language for preference for recycled products. Recipients can draw on the following language for inclusion in their federally funded procurements.

Recovered Materials

The Contractor agrees to provide a preference for those products and services that conserve natural resources, protect the environment, and are energy efficient by complying with and facilitating compliance with Section 6002 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6962, and U.S. Environmental Protection Agency (U.S. EPA), "Comprehensive Procurement Guideline for Products Containing Recovered Materials," 40 C.F.R. part 247.

A.21 SAFE OPERATION OF MOTOR VEHICLES

23 U.S.C. part 402

Executive Order No. 13043

Executive Order No. 13513

U.S. DOT Order No. 3902.10

Applicability to Contracts

The Safe Operation of Motor Vehicles requirements apply to all federally funded third party contracts. In compliance with Federal Executive Order No. 13043, "Increasing Seat Belt Use in the United States," April 16, 1997, 23 U.S.C. Section 402 note, FTA encourages each third party contractor to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company owned, rented, or personally operated vehicles, and to include this provision in each third party subcontract involving the project. Additionally, recipients are required by FTA to include a Distracted Driving clause that addresses distracted driving, including text messaging in each of its third party agreements supported with Federal assistance.

Flow Down Requirements

The Safe Operation of Motor Vehicles requirements flow down to all third party contractors at every tier.

Model Clause/Language

There is no required language for the Safe Operation of Motor Vehicles clause. Recipients can draw on the following language for inclusion in their federally funded procurements.

Safe Operation of Motor Vehicles

Seat Belt Use

The Contractor is encouraged to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned vehicles, company-

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rented vehicles, or personally operated vehicles. The terms “company-owned” and “company-leased” refer to vehicles owned or leased either by the Contractor or AGENCY.

Distracted Driving

The Contractor agrees to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a vehicle Contractor owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the work performed under this agreement.

A.22 SCHOOL BUS OPERATIONS

49 U.S.C. 5323(f)

49 C.F.R. part 605

Applicability to Contracts

The School Bus requirements apply to contracts for operating public transportation service.

Flow Down Requirements

The School Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

Model Clause/Language

The relevant statutes and regulations do not mandate any specific clause or language. Recipients can draw on the following language for inclusion in their federally funded procurements.

School Bus Operations

The contractor agrees to comply with 49 U.S.C. 5323(f), and 49 C.F.R. part 604, and not engage in school bus operations using federally funded equipment or facilities in competition with private operators of school buses, except as permitted under:

1. Federal transit laws, specifically 49 U.S.C. § 5323(f);
2. FTA regulations, "School Bus Operations," 49 C.F.R. part 605;
3. Any other Federal School Bus regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

If Contractor violates this School Bus Agreement, FTA may:

1. Bar the Contractor from receiving Federal assistance for public transportation; or
2. Require the contractor to take such remedial measures as FTA considers appropriate.

When operating exclusive school bus service under an allowable exemption, the contractor may not use federally funded equipment, vehicles, or facilities.

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The Contractor should include the substance of this clause in each subcontract or purchase under this contract that may operate public transportation services.

A.23 SEISMIC SAFETY

42 U.S.C. 7701 *et seq.*

49 C.F.R. part 41

Executive Order (E.O.) 12699

Applicability to Contracts

The Seismic Safety requirements apply only to contracts for the construction of new buildings or additions to existing buildings.

Flow Down

The Seismic Safety requirements flow down from FTA recipients and subrecipients to first tier contractors to assure compliance with the applicable building standards for Seismic Safety, including the work performed by all subcontractors.

Model Clauses/Language

The regulations do not provide suggested language for third party contract clauses. Recipients can draw on the following language for inclusion in their federally funded procurements.

Seismic Safety

The contractor agrees that any new building or addition to an existing building will be designed and constructed in accordance with the standards for Seismic Safety required in Department of Transportation (DOT) Seismic Safety Regulations 49 C.F.R. part 41 and will certify to compliance to the extent required by the regulation. The contractor also agrees to ensure that all work performed under this contract, including work performed by a subcontractor, is in compliance with the standards required by the Seismic Safety regulations and the certification of compliance issued on the project.

A.24 SUBSTANCE ABUSE REQUIREMENTS

49 U.S.C. § 5331

49 C.F.R. part 655

49 C.F.R. part 40

Applicability to Contracts

Third party contractors who perform *safety-sensitive functions* must comply with FTA's substance abuse management program under 49 C.F.R. part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations." Under 49 C.F.R. § 655.4, *Safety-sensitive function* means any of the following duties, when performed by employees of recipients, subrecipients, operators, or contractors:

1. Operating a revenue service vehicle, including when not in revenue service;
2. Operating a nonrevenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;
3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service. This section does not apply to the following: an employer who receives funding under 49 U.S.C. § 5307 or § 5309, is in an area less than 200,000 in population, and contracts out such services; or an employer who receives funding under 49 U.S.C. § 5311 and contracts out such services;
5. Carrying a firearm for security purposes.

Additionally, third party contractors providing testing services involving the performance of safety sensitive activities must also comply with 49 C.F.R. part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs."

Flow Down Requirements

The Substance Abuse requirements flow down to all third party contractors at every tier who perform a safety-sensitive function for the recipient or subrecipient.

Model Clause/Language

FTA's drug and alcohol rules, 49 C.F.R. part 655, are unique among the regulations issued by FTA. First, they require recipients to ensure that any entity performing a safety-sensitive function on the recipient's behalf (usually subrecipients and/or contractors) implement a complex drug and alcohol testing program that complies with part 655. Second, the rules condition the receipt of certain kinds of FTA funding on the recipient's compliance with the rules; thus, the recipient is not in compliance with the rules unless every entity that performs a safety-sensitive function on the recipient's behalf is in compliance with the rules. Third, the rules do not specify how a recipient ensures that its subrecipients and/or contractors comply with them.

How a recipient does so depends on several factors, including whether the contractor is covered independently by the drug and alcohol rules of another Department of Transportation operating administration, the nature of the relationship that the recipient has with the contractor, and the financial resources available to the recipient to oversee the contractor's drug and alcohol testing program. In short, there are a variety of ways a recipient can ensure that its subrecipients and contractors comply with the rules.

FTA has developed three model contract provisions for recipients to use "as is" or to modify to fit their particular situations.

Explanation of Model Contract Clauses

Option 1

The recipient ensures the contractor's compliance with the rules by requiring the contractor to participate in a drug and alcohol program administered by the recipient. The advantages of doing this are obvious: the recipient maintains total control over its compliance with 49 C.F.R. part 655. The disadvantage is that the recipient, which may not directly employ any safety-sensitive employees, has to implement a complex testing program. Therefore, this may be a practical option for only those recipients that have a testing program for their employees, and can add the contractor's safety-sensitive employees to that program.

Option 2

The recipient relies on the contractor to implement a drug and alcohol testing program that complies with 49 C.F.R. part 655, but retains the ability to monitor the contractor's testing program; thus, the recipient has less control over its compliance with the drug and alcohol testing rules than it does under Option 1. The advantage of this approach is that it places the responsibility for complying with the rules on the entity that is actually performing the safety-sensitive function. Moreover, it reserves to the recipient the power to ensure that the contractor complies with the program. The disadvantage of Option 2 is that, without adequate monitoring of the contractor's program, the recipient may find itself out of compliance with the rules.

Option 3

The recipient specifies some or all of the specific features of a contractor's drug and alcohol compliance program. Thus, it requires the recipient to decide what it wants to do and how it wants to do it. The advantage of this option is that the recipient has more control over the contractor's drug and alcohol testing program, yet it is not actually administering the testing program. The disadvantage is that the recipient has to specify and understand clearly what it wants to do and why.

SUBSTANCE ABUSE TESTING

Option 1

The Contractor agrees to participate in AGENCY's drug and alcohol program established in compliance with 49 C.F.R. part 655.

SUBSTANCE ABUSE TESTING

Option 2

The Contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 C.F.R. parts 655, produce any documentation necessary to establish its compliance with part 655, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of [name of State], or

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AGENCY, to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 C.F.R. part 655 and review the testing process. The Contractor agrees further to certify annually its compliance with parts 655 before [insert date] and to submit the Management Information System (MIS) reports before [insert date before March 15] to [insert title and address of person responsible for receiving information]. To certify compliance, the Contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the *Federal Register*.

SUBSTANCE ABUSE TESTING

Option 3

The Contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 C.F.R. part 655, produce any documentation necessary to establish its compliance with part 655, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of [name of State], or AGENCY, to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 C.F.R. part 655 and review the testing process. The Contractor agrees further to certify annually its compliance with parts 655 before [insert date] and to submit the Management Information System (MIS) reports before [insert date before March 15] to [insert title and address of person responsible for receiving information]. To certify compliance the Contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register. The Contractor agrees further to [Select a, b, or c] (a) submit before [insert date or upon request] a copy of the Policy Statement developed to implement its drug and alcohol testing program; OR (b) adopt [insert title of the Policy Statement the recipient wishes the contractor to use] as its policy statement as required under 49 C.F.R. part 655; OR (c) submit for review and approval before [insert date or upon request] a copy of its Policy Statement developed to implement its drug and alcohol testing program. In addition, the Contractor agrees to: [to be determined by the recipient, but may address areas such as: the selection of the certified laboratory, substance abuse professional, or Medical Review Officer, or the use of a consortium].

A.25 TERMINATION

2 C.F.R. § 200.339

2 C.F.R. part 200, Appendix II (B)

Applicability to Contracts

All contracts in excess of \$10,000 must address termination for cause and for convenience, including the manner by which it will be effected and the basis for settlement.

Flow Down

For all contracts in excess of \$10,000, the Termination clause extends to all third party contractors and their contracts at every tier and subrecipients and their subcontracts at every tier.

Model Clause/Language

There is no required language for the Terminations clause. Recipients can draw on the following language for inclusion in their federally funded procurements.

Termination for Convenience (General Provision)

The AGENCY may terminate this contract, in whole or in part, at any time by written notice to the Contractor when it is in the AGENCY's best interest. The Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to AGENCY to be paid the Contractor. If the Contractor has any property in its possession belonging to AGENCY, the Contractor will account for the same, and dispose of it in the manner AGENCY directs.

Termination for Default [Breach or Cause] (General Provision)

If the Contractor does not deliver supplies in accordance with the contract delivery schedule, or if the contract is for services, the Contractor fails to perform in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, the AGENCY may terminate

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this contract for default. Termination shall be effected by serving a Notice of Termination on the Contractor setting forth the manner in which the Contractor is in default. The Contractor will be paid only the contract price for supplies delivered and accepted, or services performed in accordance with the manner of performance set forth in the contract.

If it is later determined by the AGENCY that the Contractor had an excusable reason for not performing, such as a strike, fire, or flood, events which are not the fault of or are beyond the control of the Contractor, the AGENCY, after setting up a new delivery of performance schedule, may allow the Contractor to continue work, or treat the termination as a Termination for Convenience.

Opportunity to Cure (General Provision)

The AGENCY, in its sole discretion may, in the case of a termination for breach or default, allow the Contractor [an appropriately short period of time] in which to cure the defect. In such case, the Notice of Termination will state the time period in which cure is permitted and other appropriate conditions

If Contractor fails to remedy to AGENCY's satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within [10 days] after receipt by Contractor of written notice from AGENCY setting forth the nature of said breach or default, AGENCY shall have the right to terminate the contract without any further obligation to Contractor. Any such termination for default shall not in any way operate to preclude AGENCY from also pursuing all available remedies against Contractor and its sureties for said breach or default.

Waiver of Remedies for any Breach

In the event that AGENCY elects to waive its remedies for any breach by Contractor of any covenant, term or condition of this contract, such waiver by AGENCY shall not limit AGENCY's remedies for any succeeding breach of that or of any other covenant, term, or condition of this contract.

Termination for Convenience (Professional or Transit Service Contracts)

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The AGENCY, by written notice, may terminate this contract, in whole or in part, when it is in the AGENCY's interest. If this contract is terminated, the AGENCY shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

Termination for Default (Supplies and Service)

If the Contractor fails to deliver supplies or to perform the services within the time specified in this contract or any extension, or if the Contractor fails to comply with any other provisions of this contract, the AGENCY may terminate this contract for default. The AGENCY shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. The Contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner or performance set forth in this contract.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the AGENCY.

Termination for Default (Transportation Services)

If the Contractor fails to pick up the commodities or to perform the services, including delivery services, within the time specified in this contract or any extension, or if the Contractor fails to comply with any other provisions of this contract, the AGENCY may terminate this contract for default. The AGENCY shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of default. The Contractor will only be paid the contract price for services performed in accordance with the manner of performance set forth in this contract.

If this contract is terminated while the Contractor has possession of AGENCY goods, the Contractor shall, upon direction of the AGENCY, protect and preserve the goods until surrendered to the AGENCY or its agent. The Contractor and AGENCY shall agree on payment for the preservation and protection of goods. Failure to agree on an amount will be resolved under the Dispute clause.

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If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the AGENCY.

Termination for Default (Construction)

If the Contractor refuses or fails to prosecute the work or any separable part, with the diligence that will ensure its completion within the time specified in this contract or any extension or fails to complete the work within this time, or if the Contractor fails to comply with any other provision of this contract, AGENCY may terminate this contract for default. The AGENCY shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. In this event, the AGENCY may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, appliances, and plant on the work site necessary for completing the work. The Contractor and its sureties shall be liable for any damage to the AGENCY resulting from the Contractor's refusal or failure to complete the work within specified time, whether or not the Contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the AGENCY in completing the work.

The Contractor's right to proceed shall not be terminated nor shall the Contractor be charged with damages under this clause if:

1. The delay in completing the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include: acts of God, acts of AGENCY, acts of another contractor in the performance of a contract with AGENCY, epidemics, quarantine restrictions, strikes, freight embargoes; and
2. The Contractor, within [10] days from the beginning of any delay, notifies AGENCY in writing of the causes of delay. If, in the judgment of AGENCY, the delay is excusable, the time for completing the work shall be extended. The judgment of AGENCY shall be final and conclusive for the parties, but subject to appeal under the Disputes clause(s) of this contract.

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If, after termination of the Contractor's right to proceed, it is determined that the Contractor was not in default, or that the delay was excusable, the rights and obligations of the parties will be the same as if the termination had been issued for the convenience of AGENCY.

Termination for Convenience or Default (Architect and Engineering)

The AGENCY may terminate this contract in whole or in part, for the AGENCY's convenience or because of the failure of the Contractor to fulfill the contract obligations. The AGENCY shall terminate by delivering to the Contractor a Notice of Termination specifying the nature, extent, and effective date of the termination. Upon receipt of the notice, the Contractor shall (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the AGENCY's Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process. AGENCY has a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, all such data, drawings, specifications, reports, estimates, summaries, and other information and materials.

If the termination is for the convenience of the AGENCY, the AGENCY's Contracting Officer shall make an equitable adjustment in the contract price but shall allow no anticipated profit on unperformed services.

If the termination is for failure of the Contractor to fulfill the contract obligations, the AGENCY may complete the work by contract or otherwise and the Contractor shall be liable for any additional cost incurred by the AGENCY.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of AGENCY.

Termination for Convenience or Default (Cost-Type Contracts)

The AGENCY may terminate this contract, or any portion of it, by serving a Notice of Termination on the Contractor. The notice shall state whether the termination is for convenience of AGENCY or for the default of the Contractor. If the termination is for default, the notice shall state the manner in

ATTACHMENT 4.F

which the Contractor has failed to perform the requirements of the contract. The Contractor shall account for any property in its possession paid for from funds received from the AGENCY, or property supplied to the Contractor by the AGENCY. If the termination is for default, the AGENCY may fix the fee, if the contract provides for a fee, to be paid the Contractor in proportion to the value, if any, of work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the AGENCY and the parties shall negotiate the termination settlement to be paid the Contractor.

If the termination is for the convenience of AGENCY, the Contractor shall be paid its contract close-out costs, and a fee, if the contract provided for payment of a fee, in proportion to the work performed up to the time of termination.

If, after serving a Notice of Termination for Default, the AGENCY determines that the Contractor has an excusable reason for not performing, the AGENCY, after setting up a new work schedule, may allow the Contractor to continue work, or treat the termination as a Termination for Convenience.

A.26 VIOLATION AND BREACH OF CONTRACT

2 C.F.R. § 200.326

2 C.F.R. part 200, Appendix II (A)

Applicability to Contracts

All contracts in excess of the Simplified Acquisition Threshold (currently set at \$150,000) shall contain administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Flow Down

The Violations and Breach of Contracts clause flow down to all third party contractors and their contracts at every tier.

Model Clauses/Language

FTA does not prescribe the form or content of such provisions. The provisions developed will depend on the circumstances and the type of contract. Recipients should consult legal counsel in developing appropriate clauses. The following clauses are examples of provisions from various FTA third party contracts. Recipients can draw on these examples for inclusion in their federally funded procurements.

Rights and Remedies of the AGENCY

The AGENCY shall have the following rights in the event that the AGENCY deems the Contractor guilty of a breach of any term under the Contract.

1. The right to take over and complete the work or any part thereof as agency for and at the expense of the Contractor, either directly or through other contractors;
2. The right to cancel this Contract as to any or all of the work yet to be performed;
3. The right to specific performance, an injunction or any other appropriate equitable remedy; and

4. The right to money damages.

For purposes of this Contract, breach shall include [AGENCY to define].

Rights and Remedies of Contractor

Inasmuch as the Contractor can be adequately compensated by money damages for any breach of this Contract, which may be committed by the AGENCY, the Contractor expressly agrees that no default, act or omission of the AGENCY shall constitute a material breach of this Contract, entitling Contractor to cancel or rescind the Contract (unless the AGENCY directs Contractor to do so) or to suspend or abandon performance.

Remedies

Substantial failure of the Contractor to complete the Project in accordance with the terms of this Agreement will be a default of this Agreement. In the event of a default, the AGENCY will have all remedies in law and equity, including the right to specific performance, without further assistance, and the rights to termination or suspension as provided herein. The Contractor recognizes that in the event of a breach of this Agreement by the Contractor before the AGENCY takes action contemplated herein, the AGENCY will provide the Contractor with sixty (60) days written notice that the AGENCY considers that such a breach has occurred and will provide the Contractor a reasonable period of time to respond and to take necessary corrective action.

Disputes

- **Example 1:** Disputes arising in the performance of this Contract that are not resolved by agreement of the parties shall be decided in writing by the authorized representative of AGENCY's [title of employee]. This decision shall be final and conclusive unless within [10] days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the [title of employee]. In connection with any such appeal, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the [title of employee] shall be binding upon the Contractor and the Contractor shall abide by the decision.

ATTACHMENT 4.F

- **Example 2:** The AGENCY and the Contractor intend to resolve all disputes under this Agreement to the best of their abilities in an informal manner. To accomplish this end, the parties will use an Alternative Dispute Resolution process to resolve disputes in a manner designed to avoid litigation. In general, the parties contemplate that the Alternative Dispute Resolution process will include, at a minimum, an attempt to resolve disputes through communications between their staffs, and, if resolution is not reached at that level, a procedure for review and action on such disputes by appropriate management level officials within the AGENCY and the Contractor's organization.

In the event that a resolution of the dispute is not mutually agreed upon, the parties can agree to mediate the dispute or proceed with litigation. Notwithstanding any provision of this section, or any other provision of this Contract, it is expressly agreed and understood that any court proceeding arising out of a dispute under the Contract shall be heard by a Court de novo and the court shall not be limited in such proceeding to the issue of whether the Authority acted in an arbitrary, capricious or grossly erroneous manner.

Pending final settlement of any dispute, the parties shall proceed diligently with the performance of the Contract, and in accordance with the AGENCY's direction or decisions made thereof.

Performance during Dispute

Unless otherwise directed by AGENCY, Contractor shall continue performance under this Contract while matters in dispute are being resolved.

Claims for Damages

Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of its employees, agents or others for whose acts it is legally liable, a claim for damages therefor shall be made in writing to such other party within a reasonable time after the first observance of such injury or damage.

Remedies

Unless this Contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the AGENCY and the Contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the AGENCY is located.

Rights and Remedies

The duties and obligations imposed by the Contract documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the AGENCY or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

PIGGYBACKING WORKSHEET

QUESTION	YES	NO
1. Have you obtained a copy of the contract and the solicitation document, including the specifications and any Buy America Pre-award or Post-Delivery audits?		
2. Does the solicitation and contract contain an express “assignability” clause that provides for the assignment of all or part of the specified deliverables?		
3. Did the Contractor submit the certifications required by Federal regulations? <i>(such as those required for Buy America and DBE)</i>		
4. Does the contract contain the clauses required by Federal regulations? <i>See 2017 LOTS Manual Attachments 4.E and 4.F.</i>		
5. Were the piggybacking quantities included in the original solicitation; i.e., were they in the original bid and were they evaluated as part of the contract award decision?		
6. If this is an indefinite quantity contract, did the original solicitation and resultant contract contain both a minimum and maximum quantity, and did these represent the reasonably foreseeable needs of the parties to the contract?		
7. If this piggybacking action represents the exercise of an option in the contract, is the option provision still valid or has it expired?		
8. Does your State law allow for the procedures used by the original contracting agency: e.g., negotiations vs. sealed bids?		
9. Was a cost or price analysis performed by the original contracting agency documenting the reasonableness of the price? Obtain a copy for your files.		
10. If the contract is for rolling stock or replacement parts, does the contract term comply with the five-year term limit established by FTA? <i>See FTA Circular 4220.1F, Chapter IV, 2 (14) (i).</i>		
11. Was there a proper evaluation of the bids or proposals? Include a copy of the analysis in your files.		
12. If you will require changes to the vehicles (deliverables), are they “within the scope” of the contract or are they “cardinal changes”?		

CHECKLIST OF REQUIRED STEPS FOR PROCURING REVENUE CONTRACTS

1. Answer the following questions.
 - a. Is the primary purpose of the contract to generate revenue for the LOTS? *If yes, it is a revenue contract.*
 - b. Would the proposed revenue contract make use of Federally-funded assets or funds? *If yes, FTA requirements related to DBE participation apply.*
 - c. Are there several potential competitors for a limited opportunity? (as opposed to the LOTS being able to provide contracts or licenses to multiple parties similarly situated) *If yes, the LOTS must use a competitive procurement method, such as an RFP or IFB.*
 - d. Would Federal funds (not assets) be used to produce revenues? *If yes, flow-down requirements of FTA clauses apply.*
2. Estimate potential revenue to be derived from revenue contract (comparable to preparing an Independent Cost Estimate (ICE) for purchases). For lease of advertising space, include value of revenue that contractor is likely to gain in the estimate.
3. Determine appropriate procurement method.
 - a. Competitive procurement method (e.g., RFP or IFB) must be used if there are several potential competitors for a limited opportunity.
 - b. Revenue contracts which for LOTS is able to provide contracts or licenses to multiple parties similarly situated are not required by FTA to be competitively procured.
4. Set DBE project-specific goal if revenue is expected to exceed \$25,000. If expected to be over \$50,000, send to MTA for review/approval.
5. Develop specifications and assemble RFP/bid package.
6. Submit to MTA Regional Planner for review and approval.
7. Receive approval from MTA.
8. Advertise project, to solicit bids/proposals/quotes. This should include sending notices of project availability to national vendors.
9. Receive, open, and review responses.
10. Evaluate responses.

11. Select best response meeting all local procurement requirements.
12. Send complete copy of proposed winning offer and list of “losing” offers to MTA for concurrence.
13. Request concurrence/approval from MTA to award contract.
14. Receive concurrence/approval from MTA before awarding contract.
15. Award and execute contract.
16. Account for all revenues earned and report to MTA on a quarterly basis using the Non-Fare Revenue Reporting Form.

Sample Media Release for an Article

(on agency letterhead)

FOR IMMEDIATE RELEASE:

Media Contact: Jane Doe, 301-555-1212, jane.doe@yourcounty.md.us

HEADLINE

City, State, Date — Opening paragraph *(should contain: who, what, when, where, why)*

Remainder of body text should include any relevant information to your story and services.

Include quotes from the LOTS director, officials of partnering organizations and other officials as appropriate, as well as other staff or customers.

Be sure to include contact information for the public to get more information about your services.

#

(indicates media release is finished)

(If there is more than 1 page, at the bottom of page one, include:)

-more-

(Then at the top of the next page:)

Abbreviated headline (page 2)

Remainder of text.

(Restate media contact information after your last paragraph.)

#

Sample Media Advisory to Invite the Media to an Upcoming Event

(on agency letterhead)

MEDIA ADVISORY

Contact: Jane Doe, 301-555-1212

ELECTED OFFICIALS TO PARTICIPATE IN RIBBON-CUTTING CEREMONY

Wednesday, May 3, 2017

10:30 a.m.

Downtown Transit Center

Intersection of This Road and That Street

Yourtown

Insert a brief description of the upcoming event, including what, where, when, why, who, and how.

Include names of officials to be present, brief facts of about the thing or service to be celebrated

Directions and Parking: *Include directions for getting to and parking at the event.*

#

Sample Public Service Announcements

(on agency letterhead)

Public Service Announcement

FOR IMMEDIATE RELEASE
(or effective date, if not immediate)

Media Contact: Jane Doe, 301-555-1212, jane.doe@yourcounty.md.us

PSA Title (e.g., Yourcounty Transit Can Get You There)

:30 spot

Looking for transportation around __(*name of your community*)__? __(*Your county or other LOTS organization*)__ provides public transportation in __(*briefly describe service area*)__. Special services are available to people with disabilities and those age __ or more. Call ____-____-____ to get information by phone or mail, or visit the website at www.____.com.

:10 spot

Looking for transportation around __(*name of your community*)__? Call __(*LOTS name*)__ ____-____-____ for more information.

(Expiration date, if applicable)

LOTS Website Checklist Requirements

Transit documents, statements or forms the LOTS need to have on their websites that are readily available to the casual user with “no more than two clicks” or links:

- ☐ A Title VI Policy Statement
- ☐ A full copy of the agency’s Title VI complaint process and form
- ☐ For fixed-route and deviated fixed-route transit services, a link to each bus route map, schedule, and timetable
- ☐ For demand-response services, a link to the demand response service description and scheduling policies/procedures
- ☐ For fixed-route and deviated fixed-route services transit services, a link to the fare policy that includes a notice about half-fare for seniors, individuals with disabilities, and individuals with valid Medicare cards during off-peak hours (or all day if that is the local policy), and what documentation is needed to qualify for the reduced fare
- ☐ For fixed-route transit services, a direct, readily-apparent link to their ADA complementary paratransit service description and scheduling policies and procedures
- ☐ For deviated fixed-route services, a statement on each route page (link) indicating that route deviations are available to all patrons, with instructions on how to request a deviation
- ☐ A statement that all transit system and paratransit system buses are wheelchair-accessible and will transport an individual using any wheelchair or mobility device that, when occupied, does not exceed the weight capacity of the vehicle and/or its lift or ramp
- ☐ A statement that the transit/paratransit system accepts portable oxygen, respirators and concentrators
- ☐ A statement that the transit/paratransit system accepts service animals (acceptance can be subject to the system inquiring what function the service animal is trained to do)
- ☐ A statement that the wheelchair lift/ramp will be deployed at any fixed stop and that individuals with disabilities will be permitted adequate time to board/disembark any system vehicle in revenue service

- ☐ A statement that priority seating is available for seniors and individuals with disabilities on each bus and that passengers without visible disabilities will be requested to vacate priority seating if needed by an individual with a disability
- ☐ A statement that the driver or vehicle announcement system (on vehicles so equipped) will announce major stops and transfer points, as well as other stops if requested by a passenger
- ☐ For ADA complementary paratransit services, a statement that services are provided the same days and hours that fixed-route transit services are provided
- ☐ For ADA complementary paratransit services, a link to information about a 21 day (minimum) visitor policy and presumptive eligibility after 21 days for applications not processed by the agency within 21 days
- ☐ For ADA complementary paratransit services, a link to the agency's full application process, rules of eligibility determination, and eligibility determination appeal process
- ☐ For ADA complementary paratransit services, provide a statement that a Personal Care Attendant can travel with the ADA eligible individual free of charge, and at least one companion can travel with the ADA eligible individual at the system's ADA paratransit fare, and that this fare does not exceed more than twice the equivalent fixed-route fare
- ☐ For ADA complementary paratransit services, provide a statement that the system provides origin-to-destination services upon request and that it will consider requests for reasonable accommodations

Checklist reviewed and verified by: _____
(Name of LOTS Staff)

Date: _____

[XYZ TRANSIT AGENCY]
Facilities and Equipment
Maintenance Plan

Insert Date

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PURPOSE STATEMENT

The purpose of this [XYZ TRANSIT AGENCY] Facility and Equipment Maintenance Plan (FEMP) is to guide a high quality maintenance program that meets Federal Transit Administration's (FTA's) requirements. This FEMP outlines standard maintenance procedures, and provide guidance for the inspection routines and intervals of facility and equipment assets.

As a condition for receiving federal funding, the Maryland Transit Administration (MTA) and FTA require transit agencies of all sizes to maintain FEMP in accordance with the following regulations:

- 2 CFR Parts 200.313 and 200.333, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards"
- 49 CFR Part 18.32(d)(4), "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"
- 49 CFR Part 37.161, "Transportation Services for Individuals With Disabilities (ADA)"
- FTA Master Agreement Section 21.c and 21.d, "Use of Real Property, Equipment, and Supplies"
- FTA Circular 5010.1D, Ch. II, Section 3.a and Ch. IV Sections 3.k and m, "Grant Management Requirements"
- FTA Circular 5100.1E, Ch. V, Section 1.a (5), "Bus and Bus Facilities Program: Guidance and Application Instructions"
- FTA Circular 9030.1E, Ch. VI, Section 1.a (5), "Urbanized Area Formula Program: Program Guidance and Application Instructions"
- FTA Circular 9070.1G, Ch. VI, Section 4, "Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions."

The implementation of an FTA-compliant FEMP also helps to ensure that [XYZ TRANSIT AGENCY] facilities and facility-related equipment are safe and can reliably support the transit operation. This FEMP will be updated at least every 2 years in accordance with 2 CFR 200.313, and will be updated more frequently as agency, state and/or federal needs dictate.

Signature

Title

Date

FACILITY INVENTORY

As a requirement for compliance with FTA and MTA regulations, a general inventory of all of [XYZ TRANSIT AGENCY]'s facilities must be maintained. Basic facility information can be found below; detailed information on facility components and equipment can be found in the "Inspections and Maintenance" section of this document.

[Insert Name of Facility]

(Complete for each agency facility)

Building Information

Address:

Phone:

Lot Size (in acres):

Building Size (in square feet):

Date(s) of Original Construction:

Dates and Description of Additions:

- 1.
- 2.
- 3.
- 4.

Description of Utilities

1. Water Supply (municipal or well):
2. Sewage Disposal System (municipal or onsite septic system):
3. Description of Fire Protection Systems (alarms, sprinklers etc.):

Inspection Information

Date of most recent asbestos inspection:

Date of most recent fire safety inspection:

Date of most recent water test:

ATTACHMENT 7.A.1

Structural Frame Type(s)

(e.g. wood frame, steel frame, block, concrete, masonry)

Roofs

Type (Flat, Pitched etc.)	Surfacing Material	Date Installed	Location

Exterior Cladding

Type (Brick, Vinyl Siding etc.)	Date Installed	Location

Exterior Doors

Type (e.g. Roll-up, Entry, etc.)	Date Installed	Location

Windows

Type	Date Installed	Location

Miscellaneous Components

Name/Type	Date Installed	Location

SAFETY

The safety of [XYZ TRANSIT AGENCY] employees, riders, and the general public is paramount. Accordingly, [XYZ TRANSIT AGENCY] has instituted a number of rules to minimize safety risk for employees engaged in the inspection or maintenance of our facilities and equipment. These rules serve as general guidance for employees and do not supersede the agency safety plan.

General Safety Rules

1. Wear appropriate PPE for the work being done:
 - a. Rubber gloves when using chemicals;
 - b. Safety glasses/goggles when working with chemicals, hand tools, or rotating equipment;
 - c. Ear plugs when working around sound levels that exceed 85 decibels (power tools, etc.);
 - d. An appropriate respirator as dictated by chemical Safety Data Sheets (SDS);
 - e. Steel toe shoes/boots when there is a danger of foot injury from falling and rolling objects, or danger of any other objects piercing the sole;
 - f. Hard hat when working beneath objects that may fall;
 - g. Approved apron, helmet and gloves when welding; and
 - h. Fall protection when working more than 6 feet above the floor.
2. Handle chemicals properly:
 - a. ALWAYS read the SDS prior to using a chemical or other hazardous material for the first time, and refer to the SDS for any future questions;
 - b. Use chemical substances only for their intended purpose;
 - c. Mix chemicals in a safe location and only in approved combinations and dilutions;
 - d. Store chemicals in appropriate sealed containers and in well ventilated areas, away from heat and sunshine;
 - e. NEVER store chemicals in electrical or mechanical rooms;
 - f. Clean-up spills in accordance with the SDS; and
 - g. Dispose of chemicals in accordance with the SDS.
3. Take proper precautions on any tasks involving electricity:
 - a. NEVER use electric equipment around liquids unless it was designed for that purpose;
 - b. NEVER use equipment with a damaged electric cord;
 - c. NEVER daisy chain power strips or overload an electric circuit with too many devices;
 - d. NEVER work on electrical systems unless you have been properly trained;
 - e. ALWAYS lock-out/tag-out the system when working on an electrical circuit; and
 - f. Ensure that electrical equipment is de-energized before beginning inspection or repair.
4. Take proper precautions to prevent fires:
 - a. Avoid excessive build-up of dust in work and storage areas;
 - b. NEVER store flammable materials or gas-powered equipment near ignition sources (including electric equipment); and
 - c. Immediately report any “burning smell” or “gas smell” to your supervisor.

5. Always know where the nearest emergency exit, fire extinguisher, chemical spill kit, eye wash station, first aid kit, and Automated External Defibrillator (AED) device are located.
6. NEVER secure exit doors with chains or padlocks; exit doors must be usable by anyone in the event of an emergency and clear of obstructions.
7. Use ladders for hard-to-reach places:
 - a. Use a ladder tall enough for the job;
 - b. Do not stand or sit on the top two rungs; and
 - c. If using an extension ladder, enlist a co-worker to raise, support, and lower the ladder.
8. Use proper lifting techniques- lift with the legs; ask for assistance when necessary.
9. Properly use and store equipment:
 - a. Handle equipment with care and properly store it when not in use;
 - b. Keep storage areas clear of items that could cause tripping hazards; and
 - c. Keep storage areas clean to help prevent pest/rodent problems.

Reporting

Employees are required to immediately report accidents, incidents, and injuries to their supervisor. [XYZ TRANSIT AGENCY] will create and maintain a record for all safety activities and incidents for regular MTA and FTA review.

ROLES & RESPONSIBILITIES

The maintenance of [XYZ TRANSIT AGENCY] facilities and equipment requires the coordination of multiple parties. The following section identifies these individuals, and their roles and responsibilities.

Management Staff

Role	Name	Responsibilities
Director of Facilities Maintenance		

Maintenance Staff

Role	Name	Responsibilities

Major Third Party Contractors

(List major contractors used for ongoing maintenance; list vendors used for ad-hoc repairs in Appendix E)

Company	Point of Contact	Responsibilities

Standard of Work

As a condition of employment, all [XYZ TRANSIT AGENCY] employees and major contractors are expected to:

1. Maintain proper workplace etiquette;
2. Take general care of the facilities;
3. Take general care of equipment;
4. Report needed repairs for facility and equipment components in a timely fashion;
5. Complete inspections, maintenance, repairs and other duties in a timely fashion;

6. Report completion of repairs on equipment and facility components in a timely fashion; and
7. Return equipment to proper storage areas after use.

Standard Operating Procedures

This FEMP provides general guidance on the inspection and maintenance activities for [XYZ TRANSIT AGENCY] facilities and equipment. Standard operating procedures (SOPs) for many of these inspection and maintenance activities are available [*insert description of where SOPs can be found*]. In cases where SOPs do not exist for certain activities, employees should follow the procedures provided by the Original Equipment Manufacturer (OEM).

INSPECTIONS & MAINTENANCE

This section of the FEMP details all inventoried facility components and equipment, and generally outlines the inspection and/or maintenance activities associated with these assets. The **[insert title]** identified in the “Roles and Responsibilities” section above is responsible for separately tracking the warranty of these assets and all associated spare parts.

[XYZ TRANSIT AGENCY] is committed to performing all inspection and maintenance activities in a timely manner, and utilizes the monthly, quarterly, and annual checklists in Appendices, A, B, and C respectively to simplify the documentation of these activities.

Inspection and Maintenance Activities by Asset Type

[Insert table of inspection and maintenance activities, and associated time intervals for each activity, by asset type]

Inspection and Maintenance Activities by Interval

[Insert table of inspection and maintenance activities, and associated time intervals for each activity, by interval]

WORK ORDERS

When facility components and equipment are due for inspection, preventive maintenance, found to be damaged, or otherwise in need of repair, a work order must be enacted using the appropriate form (Appendix D). The [insert title] identified in the “Roles and Responsibilities” section above is responsible for initiating inspection and preventive maintenance work orders. Any employee may submit a work order for facility or equipment repairs (corrective maintenance).

In the event of an emergency (e.g. broken pipe), employees should notify [insert title(s)] by the fastest means possible. After the emergency work has been performed, the [insert title] will then retroactively generate a work order for recordkeeping purposes.

The general process for submitting, completing, and documenting all work orders is outlined below.

Guidelines & Procedures

1. The reporting employee must complete the top section of the work order form and submit this form to the [insert title].
2. The [insert title] is required to:
 - a. Initiate all submitted work orders in a timely manner
 - b. Record the work order in [insert name of spreadsheet or software for logging work orders]
 - c. Assign a technician to the repair work; and
 - d. Schedule the work for completion.
3. The assigned technician is required to:
 - a. In the event parts need to be ordered,
 - i. If parts are still under warranty, submit a warranty claim to the OEM or vendor,
 - ii. If parts are not under warranty, submit a purchase request to the [insert title],
 - iii. Notify the [insert title] so the work order can be rescheduled after the parts are expected for delivery;
 - b. Complete the inspection/maintenance/repair work in a timely manner;
 - c. For scheduled inspection and/or maintenance activities, complete the appropriate checklist (See Appendices A, B, and C).
 - d. Update the work order form to reflect the date and type of work performed; and
 - e. Return the work order and any completed checklist to the [insert title].
4. The [insert title] is required to log all completed work orders in [insert name of spreadsheet or software for logging work orders].
5. All work orders and related documents will be retained for a minimum of 3 years in accordance with 2 CFR Part 200.333.

CONTRACTED SERVICES

[XYZ TRANSIT AGENCY] relies on a number of contractors and vendors for repair of facilities components and equipment. A list of preferred vendors and contractors, which has been approved by the [insert title] can be found in Appendix E.

If [XYZ TRANSIT AGENCY] decides to retain any other contractors in the future for facilities and/or equipment maintenance purposes, it will ensure that the contractor will be managed in a manner that is consistent with this FEMP, and MTA and FTA requirements.

APPENDICES

Appendix A - Monthly Checklist

[Insert checklist of monthly inspection/maintenance activities by asset]

Appendix B – Quarterly Checklist

[Insert checklist of quarterly inspection/maintenance activities by asset]

Appendix C - Annual Checklist

[Insert checklist of annual inspection/maintenance activities by asset]

Appendix D – Sample Work Order

<u>[XYZ TRANSIT AGENCY] FACILITY WORK ORDER</u>	
Section A- To be completed by individual requesting work	
DATE REQUESTED: _____ REQUESTOR NAME: _____ REQUESTOR TITLE: _____ REQUESTOR EMAIL: _____ REQUESTOR PHONE: _____ PROBLEM OR WORK REQUESTED: <div style="border: 1px solid black; height: 50px; margin-top: 10px;"></div>	
Section B- To be completed by [Insert Name of Department]	
WO#: _____ DATE RECEIVED: _____ PRIORITY (Circle One): <u>IMMEDIATE</u> BY ____/____/20____. <u>WHEN POSSIBLE</u> APPROVED BY: _____ ASSIGNED TO: _____ PARTS REQUIRED: <div style="border: 1px solid black; height: 50px; margin-top: 10px;"></div>	
PARTS APPROVED BY: _____ DATE: _____ PARTS ORDERED BY: _____ DATE: _____ WORK COMPLETED BY: _____ DATE: _____ WORK PERFORMED: <div style="border: 1px solid black; height: 80px; margin-top: 10px;"></div>	

Appendix E – Contractor/Vendor List

[Type of Service –e.g. Elevator Service]

Example Company 1
123 Main Street
Sometown, MD 21234
(410) 123-4567

Example Company 2
234 Lesser Street
Othertown, MD 24321
(410) 321-9876

Include the following types of contractors/vendors:

- *Waste/Trash Removal*
- *Snow Removal*
- *Power Sweeping*
- *Catch Basin Cleaning*
- *Irrigation*
- *Cleaning/Custodial Service*
- *HVAC*
- *Kitchen/Refrigeration*
- *Pest Control*
- *Elevator Service*
- *Security Systems*
- *Fire Protection*
- *Fire & Water Cleanup*
- *Electrician*
- *Plumber*
- *Telephone Systems*
- *Cable TV*
- *Hazardous Material Disposal*
- *Recycling*
- *Sewer/Septic System*

**[XYZ Transit Agency]
Facilities and Equipment
Maintenance Plan**

May 2016

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Facilities and Equipment Maintenance Plan

ATTACHMENT 7.A.2

PURPOSE STATEMENT

The purpose of this [XYZ Transit Agency] Facility and Equipment Maintenance Plan (FEMP) is to guide a high quality maintenance program that meets Federal Transit Administration's (FTA's) requirements. This FEMP outlines standard maintenance procedures, and provide guidance for the inspection routines and intervals of facility and equipment assets.

As a condition for receiving federal funding, the Maryland Transit Administration (MTA) and FTA require transit agencies of all sizes to maintain FEMP in accordance with the following regulations:

- 2 CFR Parts 200.313 and 200.333, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards"
- 49 CFR Part 18.32(d)(4), "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"
- 49 CFR Part 37.161, "Transportation Services for Individuals With Disabilities (ADA)"
- FTA Master Agreement Section 21.c and 21.d, "Use of Real Property, Equipment, and Supplies"
- FTA Circular 5010.1D, Ch. II, Section 3.a and Ch. IV Sections 3.k and m, "Grant Management Requirements"
- FTA Circular 5100.1E, Ch. V, Section 1.a (5), "Bus and Bus Facilities Program: Guidance and Application Instructions"
- FTA Circular 9030.1E, Ch. VI, Section 1.a (5), "Urbanized Area Formula Program: Program Guidance and Application Instructions"
- FTA Circular 9070.1G, Ch. VI, Section 4, "Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions."

The implementation of an FTA-compliant FEMP also helps to ensure that [XYZ Transit Agency] facilities and facility-related equipment are safe and can reliably support the transit operation. This FEMP will be updated at least every 2 years in accordance with 2 CFR 200.313, and will be updated more frequently as agency, state and/or federal needs dictate.

Signature

Title

Date

FACILITY INVENTORY

As a requirement for compliance with FTA and MTA regulations, a general inventory of all of [XYZ Transit Agency]'s facilities must be maintained. Basic facility information can be found below; detailed information on facility components and equipment can be found in the "Inspections and Maintenance" section of this document.

[Insert Name of Facility]

(Complete one page for each facility)

Building Information

Address:

229 Charles Bancroft Highway

Litchfield, NH 03052

Phone:

603.424.0078

Lot Size (acres):

15.0 acres

(allocated from the 62 acres of district land)

Building Size (ft²):

Main Building: 57,800 square feet

Date of Original Construction: 1/1/1930

Dates and Description of Additions:

Description	Date
1. Classrooms	
2. Classrooms	
3. Classrooms and restrooms	
4. Offices, gymnasium, and classrooms	
5.	
6.	
7.	
8.	
9.	
10.	

Description of Utilities

1. Water Supply (municipal or well):

Municipal

2. Sewage Disposal System (municipal or onsite septic system):

Onsite Septic

3. Description of Fire Protection Systems (alarms, sprinklers etc.):

Alarm system

Hood suppression system

Fire extinguishers

Facilities and Equipment Maintenance Plan

ATTACHMENT 7.A.2

Inspection Information

Date of most recent asbestos inspection:	9/1/2007
Date of most recent fire safety inspection:	
Date of most recent water test:	

General Structural Information

(Complete one page for each facility)

Structural Frame Types

Roofs

Type (Flat, Pitched etc.)	Surfacing Material	Date Installed	Location
1.			Main building
2.			Portable 1
3.			Portable 2
4.			Portable 3
5.			
6.			
7.			
8.			
9.			
10.			

Exterior Cladding

Type (Brick, Vinyl Siding etc.)	Location	Date Installed
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Exterior Doors

Type	Location	Date Installed
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Facilities and Equipment Maintenance Plan

ATTACHMENT 7.A.2

Windows

Type	Location	Date Installed
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Miscellaneous

Name/Type	Location	Date Installed
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Note: Double-click in the cell to edit text.

Form 6a: FIXED ASSET INVENTORY

List all property (equipment, facility, etc.) assigned to or available to the program, regardless of ownership or funding source, as well as property requested in FY15 (that has not yet been purchased). Insert additional rows and pages as needed.

[illegible]

SAFETY

The safety of [XYZ Transit Agency] employees, riders, and the general public is paramount. Accordingly, [XYZ Transit Agency] has instituted a number of rules to minimize safety risk for employees engaged in the inspection or maintenance of our facilities and equipment. These rules serve as general guidance for employees and do not supersede the agency safety plan.

General Safety Procedures

1. Wear appropriate PPE for the work being done:
 - a. Rubber gloves when using chemicals;
 - b. Safety glasses/goggles when working with chemicals, hand tools, or rotating equipment;
 - c. Ear plugs when working around sound levels that exceed 85 decibels (power tools, etc.);
 - d. An appropriate respirator as dictated by chemical Safety Data Sheets (SDS);
 - e. Steel toe shoes/boots when there is a danger of foot injury from falling and rolling objects, or danger of any other objects piercing the sole;
 - f. Hard hat when working beneath objects that may fall;
 - g. Approved apron, helmet and gloves when welding; and
 - h. Fall protection when working more than 6 feet above the floor.
2. Handle chemicals properly:
 - a. ALWAYS read the SDS prior to using a chemical or other hazardous material for the first time, and refer to the SDS for any future questions;
 - b. Use chemical substances only for their intended purpose;
 - c. Mix chemicals in a safe location and only in approved combinations and dilutions;
 - d. Store chemicals in appropriate sealed containers and in well ventilated areas, away from heat and sunshine;
 - e. NEVER store chemicals in electrical or mechanical rooms;
 - f. Clean-up spills in accordance with the SDS; and
 - g. Dispose of chemicals in accordance with the SDS.
3. Take proper precautions on any tasks involving electricity:
 - a. NEVER use electric equipment around liquids unless it was designed for that purpose;
 - b. NEVER use equipment with a damaged electric cord;
 - c. NEVER daisy chain power strips or overload an electric circuit with too many devices;
 - d. NEVER work on electrical systems unless you have been properly trained;
 - e. ALWAYS lock-out/tag-out the system when working on an electrical circuit; and
 - f. Ensure that electrical equipment is de-energized before beginning inspection or repair.
4. Take proper precautions to prevent fires:
 - a. Avoid excessive build-up of dust in work and storage areas;
 - b. NEVER store flammable materials or gas-powered equipment near ignition sources (including electric equipment); and
 - c. Immediately report any “burning smell” or “gas smell” to your supervisor.
5. Always know where the nearest emergency exit, fire extinguisher, chemical spill kit, eye wash station, first aid kit, and Automated External Defibrillator (AED) device are located.

Facilities and Equipment Maintenance Plan

ATTACHMENT 7.A.2

6. NEVER secure exit doors with chains or padlocks; exit doors must be usable by anyone in the event of an emergency and clear of obstructions.
7. Use ladders for hard-to-reach places:
 - a. Use a ladder tall enough for the job;
 - b. Do not stand or sit on the top two rungs; and
 - c. If using an extension ladder, enlist a co-worker to raise, support, and lower the ladder.
8. Use proper lifting techniques- lift with the legs; ask for assistance when necessary.
9. Properly use and store equipment:
 - a. Handle equipment with care and properly store it when not in use;
 - b. Keep storage areas clear of items that could cause tripping hazards; and
 - c. Keep storage areas clean to help prevent pest/rodent problems.

Reporting

Employees are required to immediately report accidents, incidents, and injuries to their supervisor. [XYZ Transit Agency] will create and maintain a record for all safety activities and incidents for regular MTA and FTA review.

Note: Double-click in the cell to edit text.

ROLES & RESPONSIBILITIES

The maintenance of [XYZ Transit Agency] facilities and equipment requires the coordination of multiple parties. The following section identifies these individuals, and their roles and responsibilities.

Management Staff

Role	Name	Responsibilities
Director of Facilities Management		

Maintenance Staff

Role	Name	Responsibilities

Major Third Party Contractors

(List major contractors used for ongoing maintenance; list vendors used for ad-hoc repairs in Appendix E)

Role	Name	Responsibilities

Standard of Work

As a condition of employment, all [XYZ Transit Agency] employees and major contractors are expected to:

1. Maintain proper workplace etiquette;
2. Take general care of the facilities;
3. Take general care of equipment;
4. Report needed repairs for facility and equipment components in a timely fashion;
5. Complete inspections, maintenance, repairs and other duties in a timely fashion;
6. Report completion of repairs on equipment and facility components in a timely fashion; and
7. Return equipment to proper storage areas after use.

Standard Operating Procedures

This FEMP provides general guidance on the inspection and maintenance activities for [XYZ Transit Agency] facilities and equipment. Standard operating procedures (SOPs) for many of these inspection and maintenance activities are available [insert description of where SOPs can be found]. In cases where SOPs do not exist for certain activities, employees should follow the procedures provided by the Original Equipment Manufacturer (OEM).

Note: Double-click in the cell to edit text.

Asset/Activity Details	
<input type="checkbox"/>	Dock
<input type="checkbox"/>	Bus Canopy
<input type="checkbox"/>	Bus Parking Lot
<input type="checkbox"/>	Bus Shelter
<input type="checkbox"/>	Bus Transfer Facility
<input type="checkbox"/>	Park & Ride
<input type="checkbox"/>	Building Structure
<input type="checkbox"/>	Building Electrical
<input type="checkbox"/>	Building Fire Alarm
<input type="checkbox"/>	Building Plumbing
<input type="checkbox"/>	Building Drainage
<input type="checkbox"/>	Building HVAC
<input type="checkbox"/>	Building Boiler
<input type="checkbox"/>	Building Roof
<input type="checkbox"/>	Building Exterior
<input type="checkbox"/>	Building Access & Parking
<input type="checkbox"/>	Building Elevators
<input type="checkbox"/>	Building Generators
<input type="checkbox"/>	Building Interior
<input type="checkbox"/>	Building Fencing
<input type="checkbox"/>	Other Building Component
<input type="checkbox"/>	Air Compressor
<input type="checkbox"/>	Brake Lathe
<input type="checkbox"/>	Bus Wash
<input type="checkbox"/>	CNG Refueling Station
<input type="checkbox"/>	Dynamometer
<input type="checkbox"/>	Fuel Island
<input type="checkbox"/>	Fuel Tank
<input type="checkbox"/>	Furniture
<input type="checkbox"/>	Hoist
<input type="checkbox"/>	Lift (Fixed)
<input type="checkbox"/>	Lift (Portable)
<input type="checkbox"/>	Misc Maintenance Equipment
<input type="checkbox"/>	Paint Booth
<input type="checkbox"/>	Scrubber/Sprayer
<input type="checkbox"/>	Wheel Press
<input type="checkbox"/>	Wheel Truing Machine
<input type="checkbox"/>	Comms- Base Radio Station
<input type="checkbox"/>	Comms- Bus Radio
<input type="checkbox"/>	Comms- Fax

Asset/Activity Details	
<input type="checkbox"/>	Comms- Mobile Radio (Handheld)
<input type="checkbox"/>	Comms- Telephone System
<input type="checkbox"/>	ITS- APC
<input type="checkbox"/>	ITS- AVL
<input type="checkbox"/>	ITS- CAD
<input type="checkbox"/>	ITS- GPS
<input type="checkbox"/>	ITS- Other
<input type="checkbox"/>	Revenue Collection- Bill Counter
<input type="checkbox"/>	Revenue Collection- Change Machines
<input type="checkbox"/>	Revenue Collection- Coin Counter
<input type="checkbox"/>	Revenue Collection- On Vehicle Fare Collection
<input type="checkbox"/>	Revenue Collection- In Station Fare Collection
<input type="checkbox"/>	Revenue Collection- Software
<input type="checkbox"/>	Revenue Collection- Vault
<input type="checkbox"/>	Safety/Security- Fire and Emergency Management System
<input type="checkbox"/>	Safety/Security- CCTV
<input type="checkbox"/>	Safety/Security- SCADA System

INSPECTION & MAINTENANCE CHECKLIST

Start Date

Start Time

Start Date

Start Time

Technician

Asset Type	Activity Type	Activity Interval	Asset/Activity Details	Completed?	Notes
------------	---------------	-------------------	------------------------	------------	-------

WORK ORDERS

When facility components and equipment are due for inspection, preventive maintenance, found to be damaged, or otherwise in need of repair, a work order must be enacted using the appropriate form (Appendix D). The [Insert title] identified in the “Roles and Responsibilities” section above is responsible for initiating inspection and preventive maintenance work orders. Any employee may submit a work order for facility or equipment repairs (corrective maintenance).

In the event of an emergency (e.g. broken pipe), employees should notify [insert title(s)] by the fastest means possible. After the emergency work has been performed, the [insert title] will then retroactively generate a work order for recordkeeping purposes.

The general process for submitting, completing, and documenting all work orders is outlined below.

Guidelines & Procedures

1. The reporting employee must complete the top section of the work order form and submit this form to the [insert title].
2. The [insert title] is required to:
 - a. Initiate all submitted work orders in a timely manner
 - b. Record the work order in [insert name of spreadsheet or software for logging work orders]
 - c. Assign a technician to the repair work; and
 - d. Schedule the work for completion.
3. The assigned technician is required to:
 - a. In the event parts need to be ordered,
 - i. If parts are still under warranty, submit a warranty claim to the OEM or vendor,
 - ii. If parts are not under warranty, submit a purchase request to the [insert title],
 - iii. Notify the [insert title] so the work order can be rescheduled after the parts are expected for delivery;
 - b. Complete the inspection/maintenance/repair work in a timely manner;
 - c. For scheduled inspection and/or maintenance activities, complete the appropriate checklist (See Appendices A, B, and C).
 - d. Update the work order form to reflect the date and type of work performed; and
 - e. Return the work order and any completed checklist to the [insert title].
4. The [insert title] is required to log all completed work orders in [insert name of spreadsheet or software for logging work orders].
5. All work orders and related documents will be retained for a minimum of 3 years in accordance with 2 CFR Part 200.333.

Note: Double-click in the cell to edit text.

Facilities and Equipment Maintenance Plan

ATTACHMENT 7.A.2

CONTRACTED SERVICES

[XYZ Transit Agency] relies on a number of contractors and vendors for repair of facilities components and equipment. A list of preferred vendors and contractors, which has been approved by the [insert title] can be found in Appendix E.

If [XYZ Transit Agency] decides to retain any other contractors in the future for facilities and/or equipment maintenance purposes, it will ensure that the contractor will be managed in a manner that is consistent with this FEMP, and MTA and FTA requirements.

Note: Double-click in the cell to edit text.

Appendix A - MONTHLY INSPECTION & MAINTENANCE CHECKLIST

Technician					Start Date	Start Time
					Start Date	Start Time
Asset Type	Activity Type	Activity Interval	Asset/Activity Details	Completed?	Physical Condition Rating (1-5)	Notes

Appendix B - QUARTERLY INSPECTION & MAINTENANCE CHECKLIST

					Technician			
					Start Date		Start Time	
					Start Date		Start Time	
Asset Type	Activity Type	Activity Interval	Asset/Activity Details	Completed?	Physical Condition Rating (1-5)	Notes		

Appendix C - ANNUAL INSPECTION & MAINTENANCE CHECKLIST

Technician					Start Date	Start Time
					Start Date	Start Time
Asset Type	Activity Type	Activity Interval	Asset/Activity Details	Completed?	Physical Condition Rating (1-5)	Notes

Appendix D – Sample Work Order

[XYZ TRANSIT AGENCY] FACILITY WORK ORDER

.....*Section A - To be completed by individual requesting work*.....

DATE REQUESTED: _____

REQUESTOR NAME: _____

REQUESTOR TITLE: _____

REQUESTOR EMAIL: _____

REQUESTOR PHONE: _____

PROBLEM OR WORK REQUESTED:

.....*Section B - To be completed by [Insert Name of Department]*.....

WO#: _____ DATE RECEIVED: _____

PRIORITY (Circle One): IMMEDIATE BY ____ / ____ /20 ____ . WHEN POSSIBLE

APPROVED BY: _____

ASSIGNED TO: _____

PARTS REQUIRED:

PARTS APPROVED BY: _____ DATE: _____

PARTS ORDERED BY: _____ DATE: _____

WORK COMPLETED BY: _____ DATE: _____

WORK PERFORMED:

Appendix E – Contractor/Vendor List

[Type of Service –e.g. Elevator Service]

123 Main Street
Sometown, MD 21234
(410) 123-4567

Example Company 2
234 Lesser Street
Othertown, MD 24321
(410) 321-9876

Include the following types of contractors/vendors:

- *Waste/Trash Removal*
- *Snow Removal*
- *Power Sweeping*
- *Catch Basin Cleaning*
- *Irrigation*
- *Cleaning/Custodial Service*
- *HVAC*
- *Kitchen/Refrigeration*
- *Pest Control*
- *Elevator Service*
- *Security Systems*
- *Fire Protection*
- *Fire & Water Cleanup*
- *Electrician*
- *Plumber*
- *Telephone Systems*
- *Cable TV*
- *Hazardous Material Disposal*
- *Recycling*
- *Sewer/Septic System*

The following document is provided for the LOTS' reference as an example of the type of checklist that would be used by an auditor conducting a review of your facility maintenance plan. Most of the questions were excerpted from the FTA State Management Review Workbook, which is the standard by which the LOTS are evaluated.

February 2008

TRANSIT FACILITY MAINTENANCE CHECKLIST

Public transit requires a considerable investment in buildings, equipment, and machinery. As with the vehicle maintenance, the proper maintenance of facilities, machinery, and equipment is the key to protecting the federal investment and prolonging the useful life of the asset.

The reviewer should determine if the grantee has an effective maintenance plan that insures that FTA's investment in facilities and equipment is protected adequately. The maintenance plan should be written and include an organization and assignment of responsibility for facility and equipment maintenance, a series of inspections and routine maintenance actions designed to ensure the proper care and maximum useful service life of facilities and equipment, and a record-keeping system that maintains adequate permanent records of maintenance and inspection activity for buildings and equipment.

The review includes consideration of:

1. Review of Maintenance plan
2. Review of Maintenance Practices
3. Facility Inspection
4. Review of Warranty Work
5. Review of Contractor Monitoring Procedures

Maintenance Plan

Sources of Information - Examine the grantee's facility and equipment maintenance plan and/or program, the maintenance checklists, and preventive maintenance program. The facility/equipment maintenance plan should identify specific items, i.e., buildings, elevators, escalators, parking lots, electric distribution and control equipment, plumbing systems, overhead doors, vehicle maintenance lifts, vehicle washers and wash water recycling systems, heating and/or air conditioning units, power substations, etc. The facility/equipment maintenance plan should describe a system of periodic inspections and preventive maintenance to be performed at certain defined intervals. Maintenance intervals might be measured in terms of days or monthly, annually, or in terms of usage, i.e., hours of use.

1. ***Does the grantee have a current written maintenance plan for its federally funded facilities and equipment?***
2. ***Does the grantee's facility maintenance plan include a program of inspections and preventive maintenance activities to ensure that assets are protected from deterioration and reach their maximum useful life?***
3. ***Does the facility maintenance plan prescribe a record keeping system so that the maintenance history of facilities and equipment is permanently recorded?***

Determination - If the grantee has a written facility and equipment maintenance plan and the plan addresses the current FTA funded assets, the grantee is not deficient. If the grantee does not have a plan, the grantee is deficient. At a minimum, the plan should identify the facilities and equipment that are to be maintained, define an organization and assign responsibility for on-going maintenance, and specify a series of maintenance and inspection activities to be performed at appropriate intervals. The plan should prescribe a record-keeping system that maintains a permanent history of maintenance and inspection activity for each building, equipment and/or system. If these elements are not included in the grantee's plan, the grantee is deficient. If the plan is out-of-date, the grantee is deficient.

Maintenance Procedures

Sources of Information - The reviewer should check preventive maintenance inspection intervals by reviewing a sample of facility and equipment maintenance records or management reports used by the grantee for monitoring preventive maintenance inspections. For each item in the sample, examine the equipment/building maintenance history for the preceding 12 months. Note the date when each inspection was accomplished and record the interval from the previous inspection. Compare the interval with the grantees definition of an "on-time" inspection to determine if the inspection was in accordance with the grantee's facility and equipment maintenance plan.

4. ***What is the grantee's schedule for facility and equipment preventive maintenance (PM) inspections: a) in its maintenance plan? b) in practice?***
5. ***Does a spot check of the grantee's facility and equipment maintenance records indicate that the grantee is complying with its maintenance plan?***
6. ***Are facility and equipment PM inspections completed on time?***

Determination- The determination of compliance is based on whether the inspections are performed on time. If 80 percent or more of the inspections sampled were performed on time (no more than 20 percent late), the grantee is not deficient. If less than 80 percent of the inspections occurred on time (more than 20 percent late), the grantee is deficient. Grantees are not penalized for early inspections, only late ones.

The grantee should address the occurrence of late PMs and develop a remediation plan that will satisfy itself and the FTA that the capital investment is not being jeopardized. The grantee should implement a program immediately. The grantee can be asked to report on its results each month for three months to demonstrate it has conducted at least 80 percent of its preventive maintenance on time for this period.

Facility Inspection

Sources of Information – Upon inspection, well-maintained and orderly facilities are good signs of a well-managed and efficient maintenance program. If parts are strewn around, floors are covered with grease and oil, lights are out, facilities and vehicles are dirty, and the entire area in a general state of disrepair, the reviewer has good reason to surmise that the maintenance program is not receiving sufficient attention.

7. ***Does the general condition of the facilities, and equipment show that the grantee is maintaining its federally funded facilities, and equipment adequately?***

During the review, perform a general walk-around inspection of the facility. Ask the grantee to provide a knowledgeable person to accompany the reviewer who can answer questions about maintenance of the vehicles and facilities. The grantee's representative should explain the purpose of each facility inspected, describe the flow of work, and explain what type of work is carried out in each location.

During the inspection, the reviewer should look for apparently inoperable or damaged equipment. Question the grantee's representative about the cause of the inoperative equipment and what plans the grantee has to return them to full operational capability. Look for any old and obviously unused equipment such as engines and transmissions that are lying about and deteriorating. Make note of the general condition of the buildings, parking areas, fences, work areas, and pavements. Ask the grantee to explain anything that seems inconsistent with a judgment that the facility is well managed and well maintained.

Determination - The inspection should give the reviewer a sense of the complete maintenance program and should focus the reviewer on the general condition of the grantee's facilities and equipment. If the grantee's facilities, vehicles, and equipment generally are well maintained, and there is no evidence of vehicles and equipment being abandoned and allowed to deteriorate, then the grantee is not deficient. If the situation is other than this, the grantee is deficient. If the grantee has one or more vehicles that are within the FTA's definition of useful life and appear to be permanently parked in an inoperable condition, then the grantee is deficient. If the grantee has retired these vehicles early, and not notified FTA, this is a deficiency in Satisfactory Continuing Control.

Suggested Corrective Action - The grantee will need to submit a report to the FTA acknowledging the observations made by the review team and a providing a specific plan to bring the condition of the facilities, vehicles, and equipment back to an acceptable level of maintenance.

Warranty Work

Sources of Information - If the grantee has equipment under warranty, the FTA requires that the grantee have a system for identifying warranty claims, recording claims, and enforcing claims against the manufacturers. An aggressive warranty recovery program ensures that the cost of defects is borne properly by the equipment manufacturer and not the grantee and FTA.

8. ***Is any equipment under warranty? If yes, what is the grantee's system for recovering warranty claims? Are claims pursued satisfactorily?***

Identify if there are any facilities or equipment currently under warranty and which they are. Ask the grantee to explain how the preventive maintenance program on equipment meets or exceeds the manufacturer's recommended program.

Ask the grantee for a copy of its Warranty Recovery Program on equipment, or, if the program is not in writing, to describe the warranty recovery system. There should be clear procedures to identify warranty repairs, record the warranty claim, submit the claim to the manufacturer, and follow-up on unpaid claims. Review the records and files for the Warranty Recovery Program to learn how timely and aggressive the grantee has been in pursuing and collecting warranty claims. Compare the records of claims submitted with claims settled.

Determination - If the grantee has no equipment or facilities under warranty, these questions are not applicable. The grantee is not deficient if there is a warranty recovery program and the records indicate that claims are pursued satisfactorily. If the grantee does not have a warranty recovery system in place, or if the records of the program are not available, the grantee is deficient. If the grantee has a written program but is not pursuing warranty claims diligently, the grantee is deficient. The grantee must submit to FTA a written system for managing warranty claims and a written assurance that the system will be followed in the future.

Contractor Monitoring

Federally funded facilities and equipment need to be maintained regardless of who operates and maintains them. If the grantee uses a third-party contractor to operate all or part of its service, and the contractor is responsible for this maintenance, the contractor "stands in the shoes" of the grantee as far as FTA maintenance requirements are concerned. The reviewer must determine if the grantee has required the contractor to follow acceptable maintenance standards.

Sources of Information - The grantee should identify any federally funded facilities or equipment leased to providers or maintained under contract. If the grantee identifies a service that is operated by a contractor, the reviewer should determine if the contractor is responsible for the maintenance of the facilities involved. Contracts for service should include maintenance-related requirements.

9. ***Does the grantee have FTA-funded facilities or equipment that are either leased to service providers or maintained under contract by other than the grantee's employees? If yes, does the grantee have written maintenance standards for the contractor's maintenance of FTA-funded facilities or equipment? How does the grantee ensure that contractors follow the required maintenance standards?***

When a contractor is responsible for maintaining the grantee's facilities or equipment, the previous questions regarding the inspection of a grantee's facilities or equipment would be appropriate for a contractor maintenance operation.

STEPS INVOLVED IN DEVELOPING A NEW FACILITY

Step	Approximate Time Required
<p>1) Contact your MTA Regional Planner to ensure that your planner is aware of your need and intent to develop a new facility and apply for assistance. They can also guide you in the process to ensure that Federal and State requirements are met, help you develop a project budget, and assist with developing specifications for procuring design and construction services.</p>	<p>Notify and request guidance from MTA as early as possible</p>
<p>2) Include a justification for the project in your Transportation Development Plan (TDP). If your current TDP does not address the project, and will not be updated within the next two years, you will need to prepare a separate needs assessment and feasibility study (within Step 4). Major federally-funded facilities will usually require a separate needs assessment and feasibility study anyway, since the level of analysis and the environmental review required are usually not addressed in a TDP.</p>	<p>TDPs are updated every five years and typically take 9 months to complete</p>
<p>3) Apply for grant funding through the Annual Transportation Plan (ATP) for each phase of the project. Request funding for:</p> <ul style="list-style-type: none"> • Planning Assistance – apply for planning and technical assistance funds for: <ul style="list-style-type: none"> i) needs assessment ii) feasibility study iii) site analysis iv) preliminary concept design i) environmental review • Capital Assistance - apply for capital funds to finance <ul style="list-style-type: none"> ii) architectural and engineering services iii) land acquisition iv) construction <p>Larger facilities may need to be developed in multiple phases that involve funding in more than one grant year, and it is important to apply for capital funds as soon as the project feasibility has been established.</p>	<p>Annually per ATP timeline; must be included in the TIP and STIP, and LRTP</p>

<p>4) Conduct appropriate planning studies</p> <ul style="list-style-type: none"> • needs assessment – determines the spatial capacity and functional needs for the facility; estimates demand for use of passenger facility • feasibility study – includes a staging and financing plan and may also incorporate the needs assessment. Provides justification for applying for Federal and State funding for subsequent phases of the project • site analysis – evaluates the appropriateness of alternative sites to select the most appropriate site • preliminary concept design – developed to establish the high-level design and major elements of the facility • environmental review if required – evaluates and documents how the facility and its construction would impact the surrounding natural and socio-economic environment. Some transit facilities are considered a Categorical Exclusion (CE) under federal planning requirements. For those that aren't CEs, an Environmental Assessment is required, and, if significant environmental impacts would result, an Environmental Impact Statement. MTA will determine the level of environmental review needed. 	6 to 12 months
<p>5) Acquire land (if needed)</p> <ul style="list-style-type: none"> • hazardous waste site assessment (to determine soil or groundwater contamination) • relocation notice and assistance for displaced residences and businesses • appraisal and FTA review of appraisal (also required for existing land to be used as local match) 	Displaced persons must be provided with 90 days notice
<p>6) Procure architectural and engineering services. Alternately, you may procure design-build or design-bid-build services. The procurement process and requirements are outlined in Section 4 of this manual.</p>	2 to 3 months
<p>7) Design facility (architecture and engineering)</p>	3 to 6 months
<p>8) Procure construction services. (See Section 4)</p>	2 to 3 months
<p>9) Construct facility.</p>	12 to 18 months

Sample Previous Employer Release of Information Form

EMPLOYER NAME/LOGO**Release of Information Form – 49 CFR Part 40 Drug and Alcohol Testing**

Section I: To be completed by the new employer and signed by the employee, and transmitted to the previous employer.

Employee Name: _____ SS/ID Number: _____

I hereby authorize release of information from my DOT-regulated drug and alcohol testing records by my previous employer, listed in *Section 1-B* to the employer listed in *Section I-A*. This release is in accordance with DOT Regulation 49 CFR Part 40, section 40.25.

Employee Signature

Date

I-A:

New Employer Name: _____

Designated Employer Representative: _____

Address: _____

Phone #: _____ Fax #: _____

I-B:

Previous Employer Name: _____

Designated Employer Representative: _____

Address: _____

Phone #: _____ Fax #: _____

Section II: To be completed by the previous employer and transmitted to the new employer.

II-A:

In the two years prior to the date of the employee's signature (in Section I), for DOT-regulated testing:

- | | |
|---|--------------|
| 1. Did the employee have alcohol tests with a result of 0.04 or higher? | Yes___ No___ |
| 2. Did the employee have verified positive drug tests? | Yes___ No___ |
| 3. Did the employee refuse to be tested? | Yes___ No___ |
| 4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? | Yes___ No___ |
| 5. Did a previous employer report a drug and alcohol rule violation to you? | Yes___ No___ |
| 6. If you answered "Yes" to any of the above items, did the employee complete the return to duty process? | Yes___ No___ |

II-B:

Person providing information in Section II-A:

Name: _____ Title: _____

Phone #: _____ Date: _____

**The [Name of Subrecipient] has received federal assistance under the Federal Transit statute
and agreed to comply with the terms and conditions of
the protective labor arrangements in 49 CFR Section 5333(b)**

**TRANSIT EMPLOYEE PROTECTION FACTSHEET
Formula Grants for Rural Areas**

When Federal funds are used to acquire, improve, or operate a transit system, Federal law requires arrangements to protect the rights of affected transit employees. The terms and conditions of the protective arrangements are included in the grantee's contract with the Federal Transit Administration (FTA).

The requirement to protect transit employees is contained in Section 5333(b) of Title 49 U.S. Code (formerly Section 13(c) of the Federal Transit Act). Section 5333(b) specifies that the arrangements must provide for the preservation of rights and benefits of employees under existing collective bargaining agreements, continuation of collective bargaining rights, protection of individual employees against a worsening of their positions in relation to their employment, assurances of employment to employees of acquired transit systems, priority of reemployment, and paid training or retraining programs.

Rural projects funded under Section 5311 of the Federal Transit law (formerly Section 18) projects must satisfy the employee protection requirements of Section 5333(b). This is accomplished through an expedited procedure administered by the Department of Labor (Department) which is based on the application of a Special Warranty Arrangement (Warranty) which is posted on the OLMS Web site and may be updated from time to time to reflect developments in the employee protection program. The FTA will include the current version of the Warranty in grants of assistance through reference in its Master Agreement.

The Department's procedures for application of the Warranty require that the Grantee or state agencies applying for funds under the Rural program must incorporate the terms of the Warranty into the contract with each recipient of funds. The grant applications must include 1) a listing of all transportation providers that are recipients of transportation assistance funded by the project; 2) a listing of all other transportation providers in the geographic service area of each recipient being funded; and 3) a listing of all labor organizations representing employees of transportation providers identified in #2 and #3 above. To facilitate inclusion of this information in the grant application, a sample format is posted on the OLMS website.

Under the terms of the Warranty applicants for OTRB grants must include information in the application identifying labor organizations representing employees of the grant recipients.

The Department will notify labor organizations representing potentially affected transit employees in the service area when Rural grants are funded by the FTA.

Additionally, the Warranty requires that the Recipient post, in a prominent and accessible place, the terms and conditions of the Warranty with a notice stating that the Recipient has received federal assistance under the Federal Transit statute and has agreed to comply with these terms.

Transportation related employees who believe they have been affected as a result of Federal transit assistance may file claims under the Warranty, which also requires that the Recipient make the necessary arrangements so that covered employees (or their union representative) may file such a claim.

For further information contact:

U.S. Department of Labor
Office of Labor-Management Standards
Division of Statutory Programs
Washington, DC 20210
Telephone: (202) 693-0126 Fax: (202) 693-1342

The full warranty can be seen on the DOL WEB PAGE and can be reached by going to www.dol.gov. Scroll to the bottom of the page, and click on "A to Z Index." Click on "T" and select "Transit Employee Protections."

SAMPLE LETTER OF INTENT TO DISPOSE OF A VEHICLE

Letter must be on Agency Letterhead and all information noted below must be supplied by the LOTS requesting the vehicle disposal.

Date
MTA
Address

Dear (provide Name of current MTA Regional Planner):

The (Name of Agency) has operated the vehicle(s) listed below since (provide year vehicle(s) were placed in service). This (or these) vehicle(s) exceed their useful life criteria either in terms of mileage or years of service (chose appropriate criteria), and we are now requesting that the Maryland Transit Administration (MTA) concur in our request for disposal; **OR**

The (Name of agency) has operated the vehicle(s) identified below since (provide year vehicle was placed in service). This vehicle is no longer operable due to (chose description that best applies: accident, loss, wear and tear, or systemic failure) even though it has remaining useful life based on (chose all that apply: mileage, years of service or both). We are now requesting that the Maryland Transit Administration (MTA) concur in our request for disposal for the vehicle(s) listed below.

For each vehicle listed, the LOTS must provide the following information:

Vehicle Make and Model: For example, Ford/Champion

Vehicle Model Year: From your vehicle registration

Vehicle Current Life Mileage: Remember to include mileage from odometer turning over

Vehicle VIN Number: Self-explanatory

Agency Fleet Identification Number: Self-explanatory

Vehicle Current Condition: This information needs to address the current mechanical and operability condition of the vehicle in sufficient detail for MTA to render a decision

Name of agency will no longer use the vehicle and will dispose of it according to its adopted vehicle disposal procedures. Any proceeds from the sale of the vehicle will be reinvested in Name of Agency's transportation program. If \$5,000 or more in proceeds are realized, Name of Agency will contact the MTA to determine how the \$5,000 will be utilized.

If you should need any additional information on this request, please contact (Name and Title) at phone number or email address.

Sincerely,

Name of Agency Official

cc:

Template for Maintenance Plan

The _____ Bus Company

Maintenance Plan

Document #: _____

Revision: _____

Date: _____

APPROVED BY:

General Manager

Date

Maintenance Manager

Date

Maintenance Plan
Revision History

Revision	Date	Description of Change	Superseded Document
Original	12/15/13	Original Release	

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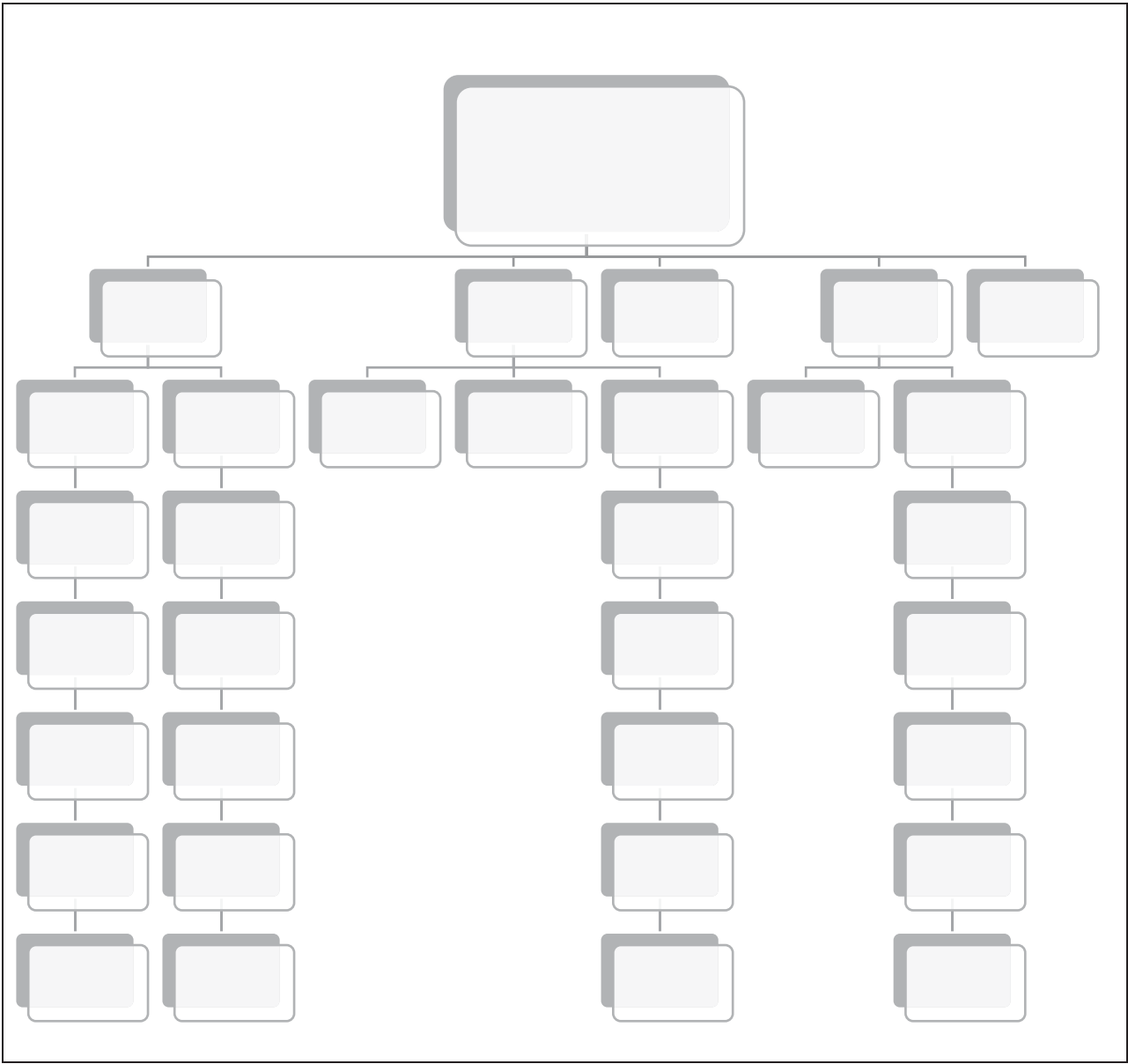
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Company Mission Statement

The _____ Bus Company's mission is to provide safe, clean, reliable and comfortable transportation to our valued customers.

Organization Chart

The _____ Bus Company's organization consists of the following key personnel displayed by position and name. We assign responsibilities and delegate the authority to carry out those responsibilities.



Assignment of Responsibility

General Manager: Has the overall responsibility of the Transportation, Maintenance, Safety and Quality Programs.

Director of Safety and Quality Assurance: Responsible for leading the safety and quality efforts of the organization to the highest standards.

Director of Maintenance: Has responsibility for developing the maintenance plan to include scheduled, unscheduled, outsourced and in-house maintenance work that meets or exceeds the vehicle manufacturer's recommendations. The Director of Maintenance is also responsible for developing a warranty management plan that ensures repair costs are borne by the manufacturer.

Maintenance Manager: Has the responsibility for implementing our maintenance plan and works closely with our Shop Foreman, PM Scheduler and Warranty Manager to assure the plan's effectiveness.

Shop Foreman: Is responsible for ensuring maintenance is completed on time and to the quality level outlined in the maintenance plan. The Shop Foreman assigns the work and follows-up to assure it was performed correctly.

PM Scheduler: Is responsible for tracking PM activities, removing vehicles from service and scheduling work through the Maintenance Manager. The PM Scheduler is also responsible for maintaining both electronic and hard copy maintenance records.

Warranty Manager: Is charged with being familiar with the warranty provisions of vehicles and equipment, maintaining records of items under warranty, reporting on the failure of warranted items including the reason for failure, helping the Maintenance Manager assure that employees do not violate warranty provisions.

Lead Mechanic: Responsible for carrying out the assigned work and documenting any additional work or irregularities found during the repair / servicing.

Maintenance Plan

The _____ Bus Company's maintenance plan is based on preventive, (scheduled) maintenance rather than reactive (unscheduled) maintenance. The program is intended to reduce overall maintenance costs and inconvenience to our valued customers resulting from equipment breakdowns.

To achieve this, _____ Bus Company follows the maintenance recommendations of our vehicle and equipment manufacturers in order to maintain a valid warranty, even if the vehicle or equipment is no longer under the manufacturer's warranty. This includes a graduated maintenance program based on the manufacturer's maintenance interval recommendations for climate and type of use for each individual vehicle that we own.

The maintenance of ADA and accessibility equipment is included in our vehicle maintenance program and not handled separately. This allows us to perform regular and frequent checks to keep the equipment in good working order and to promptly repair it when needed. If ADA and accessibility equipment is found to be inoperable it is removed from service at the end of the shift and like equipment will be dispatched to accommodate persons with disabilities.

Goals and Objectives

The _____ Bus Company's maintenance goals and objectives support our company's higher level mission statement.

Goal: Reduce overall maintenance costs and inconvenience to our customers.

Objective: Maintain a comprehensive preventive maintenance plan.

Goal: Adhere to the vehicle and equipment manufacture's maintenance recommendations.

Objective: Maintain a graduated maintenance program based on intervals recommended by the manufacturer in order to maintain a valid warranty.

Goal: Provide ADA and accessibility equipment that is in good working order.

Objective: Include ADA and accessibility equipment in all routine maintenance inspections including the driver's pre-trip inspection. Promptly remove inoperable equipment from service and dispatch like equipment to accommodate persons with disabilities.

Achieving Goals and Objectives

We maintain a comprehensive Maintenance Plan that is reviewed regularly for effectiveness and updated at least annually.

Our graduated preventive maintenance program is specific to each of our individual vehicles and reflects the manufacturer's recommended maintenance intervals in order to maintain a valid warranty.

We maintain ADA and accessibility equipment in good working order as part of our overall vehicle's routine maintenance requirements.

We maintain records of inoperable ADA and accessibility equipment that include when it was identified, removed from service, repaired, and how we accommodated persons with disabilities while it was down.

Preventive Maintenance Plan

The _____ Bus Company continually reviews the effectiveness of our maintenance program through fluid analysis, road call, unscheduled maintenance and on time preventive maintenance report summaries prepared by our Director of Maintenance. These summaries, as well as driver reports from our operations department, are reviewed in weekly meetings with our General Manager. Minutes of these meetings are maintained. At a minimum, we update our Maintenance Plan annually. We are structured to allow a maximum variation of plus or minus 10% of our mileage based preventive maintenance on all vehicles and equipment.

The _____ Bus Company maintains evening and weekend maintenance staff to assure vehicles are available during peak demands and to help reduce the size of our reserve fleet requirement. We maintain both electronic and hard copy records of all maintenance activities for a minimum of three years after decommissioning of the vehicle or equipment.

If we must outsource a maintenance task, a thorough incoming inspection is performed, and a record kept, to confirm that the work meets the standards of our maintenance department.

Periodic Maintenance

The _____ Bus Company maintains each individual vehicle in accordance with the manufacturer's recommendations to maintain a valid warranty, even if the vehicle is no longer under warranty.

Our maintenance management software identifies vehicles approaching a maintenance interval through daily input of vehicle mileage from our fuel records reports. Our PM Scheduler flags the vehicle through our Dispatcher and posts the date and type of maintenance due on our Maintenance Manager's tracking board. The Maintenance Manager assigns the work to a technician who records their inspection in hard copy which is returned to the Maintenance Manager. The Maintenance Manager records the hard copy and maintains an electronic copy through our maintenance management software.

Technicians perform minor repairs found during the inspection, recording parts and labor on work orders that they attach to the completed PM check sheets. Repairs that will take several hours are scheduled through the Maintenance Manager based on the effect the defect will have on the vehicle's operation and the availability of replacement parts.

Our current fleet of vehicles, with their manufacturer's maintenance intervals, consists of the following:

Vehicle Type	Maintenance Interval (miles)	Maintenance Type
Medium Duty 35' Bus	5,000	A (Rev 004 dated 04/12/11)
	10,000	B (Rev 004 dated 04/12/11)
	15,000	C (Rev 004 dated 04/12/11)
	60,000	D (Rev 004 dated 04/12/11)
Light Duty 28' Bus	3,000	A (Original 02/15/13)
	6,000	B (Original 02/15/13)
	9,000	C (Original 02/15/13)
	12,000	D (Original 02/15/13)

PM Inspection Sheets

Each vehicle type has its own PM inspection sheet for each service interval. Electronic copies of the forms are maintained and printed out for each inspection. This assures only the latest approved version is used on the shop floor.

New Vehicle Commissioning

New vehicle specifications are prepared for bid by our managers. We utilize the best value approach to our purchases, not necessarily low bidder. Our maintenance manager monitors the construction and testing of the vehicles at the manufacturer's facility. He performs a pre-shipment inspection and maintains a record of his findings as part of our new vehicle commissioning package. He also performs a post-shipment inspection when the vehicle arrives at our facility. Discrepancies between the pre and post inspections must be resolved with the manufacturer. Our specifications grant us a "shake-down" of _____ round trips in service before final acceptance of the vehicle and commencement of the warranty provisions. This helps assure all systems function in the type of environment intended.

As part of our new vehicle commissioning package we visually confirm and then retain all component serial number documentation provided by the manufacturer. This documentation is retained in electronic and hard copy. Prior to shake-down we enter all vehicle and sub component information into our maintenance management software. Our software also allows us to identify the stored location of vehicle titles, tag registration and any equipment we install such as EZPass transponders.

We upload each specific vehicle's maintenance manuals which we require from the manufacturer in electronic format. We also retain two hard copies of the manuals, one for shop floor use and one for our technical library. The vehicle manufacturer provides preventive maintenance checklists that incorporate all systems and components for the recommended maintenance intervals in order to maintain a valid warranty. Our Maintenance Manager reviews the checklists and transposes them to our company letterhead, then assigns a revision number and date. Our software alerts us to perform early fluid changes after the vehicle's break-in period as prescribed by the manufacturer.

Oversight of Work Done by Contractors

Our experienced maintenance staff seldom needs to outsource work to contractors. We have determined that outsourcing for complete engine replacement is not only cost effective but necessary for the safety of our employees. We have screened and pre-selected a contractor with the capability to perform engine replacements in a timely manner. We document our incoming inspection upon receipt of our vehicle from the contractor after the work is completed.

In the event our facility becomes damaged or otherwise temporarily incapable of completing vehicle preventive maintenance on time, we have pre-selected a contractor that will maintain our vehicles in accordance with our maintenance plan. The contractor will use our PM forms. Our staff will inspect their finished work before the vehicle re-enters service. Our maintenance management software identifies that the work was done by contractors thereby tracking all offsite costs. Our maintenance management software performs daily backups to cloud storage so information can be retrieved if our facility hardware is damaged.

Warranty Management Plan

The _____ Bus Company maintains a warranty management plan to ensure the cost of eligible repairs is borne by the manufacture. Our maintenance management software has a component to track warranty parts and repairs.

When a part fails our Warranty Manager researches it for date purchased and mileage. If the part is covered by a warranty it is returned to the manufacturer's authorized representative. The representative creates a tracking number which we then use to provide accompanying work orders for associated labor claims. The warranty claim tracking number continues to be used by our accounting department for receipt of labor credit from the manufacturer.

Open tracking numbers are discussed at monthly meetings with the manufacturer's representative. Meeting minutes are retained for our records. Replacement parts receive a documented incoming inspection by our Maintenance Manager. The Maintenance Manager's satisfactory incoming inspection and our accounting departments receipt of associated labor credit closes out the warranty claim.

Vehicle Disposal

Vehicles that were grant funded are not disposed of until the end of their useful life in accordance with the Altoona test report for each vehicle model. Should a vehicle's condition require disposal before the end of useful life no action will be taken until the grantor provides written approval. At that point disposal is carried out in accordance with our County requirements.

Our maintenance management software allows us to archive vehicle's records indefinitely. Our policy is to retain these records for three years after the vehicle's disposal.

Inventory List

Our maintenance management software allows us to maintain an inventory of our vehicles. Included in the inventory list are the following identifying characteristics of each vehicle:

Assigned vehicle number
Description
Seating capacity
Year
Make
Model
Vehicle identification number
Title number
Ownership
Tag number
Fuel type
Acquisition date
Original Cost
Warranty expiration date
Percentage funded by grant
Grant number
Accessories (EZPass transponder, etc.)
Estimated useful life (years / miles)
Condition Code (if used)
Disposition
Disposition date
Disposition price received

Fixed Route Service (with ADA Paratransit) Sample

[This template is only appropriate for transit systems that provide fixed route services. Transit systems that provide deviated fixed route/route deviation and/or general demand responsive services (in addition to, or instead of, fixed route services) should refer to the sample ADA policy and procedures for these types of services.]

Americans with Disabilities Act of 1990 (ADA) Policy and Procedures

Date: _____

INTRODUCTION

Purpose: This policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the American with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable Maryland laws and regulations. The _____ **Public Transit System** operates services on a fixed route basis, with complementary paratransit provided to those individuals who are unable to ride fixed-route due to a disability. The _____ **Public Transit System** complies with ADA requirements with respect to such services.

POLICY STATEMENT

It is the policy of _____ **Public Transit System** to comply with all the legal requirements of Federal and State laws and regulations as they pertain to individuals with disabilities. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

1. provide safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. ensure that eligible individuals who are unable to board, ride or disembark from the fixed-route service are provided complementary paratransit that is comparable in service availability and quality to the fixed route service.
3. expedite the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
4. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Disability: A physical or mental impairment that substantially limits one or more major life activities.

Fixed Route Service: Vehicle is operated along a prescribed route according to a fixed schedule.

Mobility Aid/Non-Wheelchair Mobility Device: A device used by an individual with a mobility impairment to assist with mobility but does not meet the requirements of a wheelchair as defined by ADA. These include but are not limited to canes, crutches, walkers and “Segways” when used by an individual with a mobility related disability.

Route Deviation Service: A system that permits user-initiated deviations from routes or schedules. Sometimes referred to as deviated fixed route or flexible route service.

Securement Equipment: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Securement Station: Space specifically designed to secure and stabilize wheelchairs on transit vehicles.

Service Animal: An animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: a mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

GENERAL GUIDELINES AND PROCEDURES FOR IMPLEMENTING POLICY

Recruitment and Employment: As stated in the transit system’s personnel policies, the agency is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and the State of Maryland. All vehicles purchased for fixed-route and deviated fixed-route service will be accessible. Vehicles purchased for demand-response service will only be non-accessible to the extent that the demand-response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities.

Vehicle and Route Assignment: To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. All vehicles assigned to fixed routes and deviated fixed routes will be accessible.

For general demand-response service outside the ADA Complementary Paratransit described below, the transit system will make all reasonable efforts to make an accessible vehicle available whenever requests are made. Trip denials will be tracked by disability to monitor whether trips are disproportionately denied to individuals with disabilities because an accessible vehicle is not

available. Should this be found to be the case, inaccessible vehicles will be replaced with accessible vehicles until the demand-response system, when viewed in its entirety, is accessible.

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of the _____ **Public Transit System** provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection. *(Note: lift cycling as part of the pre-trip inspection is not required by ADA but is recommended by MTA as a way to comply with the federal ADA requirement that transit systems conduct regular and frequent lift checks, sufficient to determine if lifts are actually operative.)*

Drivers are required to report lift failures as soon as possible. Vehicles with inoperative lifts will be replaced as soon as possible. Additional fixed-route policies related to inoperative lifts are discussed under “Policies Specific to Fixed Route Service.”

Wheelchair Accommodation: Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the wheelchair on the vehicle. If a vehicle lift/ramp and securement area can accommodate a mobility device, _____ **Public Transit System** will transport the device (and its user).

Boarding: Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary to accommodate slower passengers and waiting for passengers to be seated before moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pick-up site. The passenger and/or their guest, escort or attendant will maneuver the passenger and mobility aid to the vehicle. Only a properly trained transit system employee can operate the lift, secure the wheelchair on the lift, and secure the wheelchair in the securement station.

Use of Accessibility Devices by Individuals with Disabilities Not Using a Wheelchair: An individual with a disability who is not using a wheelchair or other seated mobility aid may use the lift to board or alight the vehicle upon request.

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating. However, this does not supersede the transit system’s right to require any passenger who has caused a disruption in the safe travel of other passengers and/or driver to be required to sit in a specific area of the vehicle as a condition of transportation.

Priority seating for people with disabilities is designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that currently occupied by another passenger, the driver will ask that passenger to allow the individual with a disability to use of the seat.

Driver Assistance: Drivers will make themselves available for assistance to individuals with disabilities and will assist upon request of the passenger. Drivers will leave their seat to assist a

passenger with using the vehicle ramp, lift and/or securement system. Drivers will use the accessibility-related equipment and features on their vehicles as described in these policies.

Securement: Securement of wheelchairs is the responsibility of the driver and drivers will be trained in the proper operation of all securement equipment based on manufacturer specifications. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride the vehicle. Drivers cannot deny a passenger a ride based on the inability to secure the wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service. Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area.

[Note: select one depending on your agency policy. Make sure that all riders are treated the same.] Seat belts and shoulder harnesses are recommended but not required for passengers riding in their secured wheelchair. **OR:** Seat belts and shoulder harnesses are required for ALL passengers.

Non-Standard Mobility Devices: Mobility devices that are not wheelchairs will be accommodated to the extent that the ADA-compliant lift and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. Department of Transportation rules on the transportation of hazardous materials.

Transfer to Fixed Seating: All passengers using seated mobility devices have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, users of seated mobility devices to transfer to fixed seating.

Service Animals: In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal, but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a threat to other passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. For fixed route, the driver will allow a passenger who uses the lift to disembark at any stop, unless the lift cannot be deployed, the lift will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair, secure it on the lift and operate the lift to return the passenger to the ground level.

Staff Training: All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Rider Information: All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

Complaint Procedure: All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the _____. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. *[Note: may want to attach complaint form.]*

Reasonable Modification of Policy: If a passenger requires modification of any of these policies to accommodate their disability, they may request such a modification by contacting _____. The transit system will work with the individual to find an accommodation solution.

GUIDELINES AND PROCEDURES FOR IMPLEMENTING POLICY SPECIFIC TO FIXED ROUTE SERVICES

Inoperative Lifts: Vehicles with inoperative lifts must be taken out of fixed route service as soon as possible (no later than the beginning of the vehicle's next service day) and inoperative equipment will be replaced promptly with spare vehicle. The inoperative lift will be repaired before the vehicle returns to service.

If there is no spare vehicle available to take the place of a vehicle with an inoperable lift on a route, the vehicle with the inoperable lift may be kept in service for no more than three days *[maximum if the entity serves an area of over 50,000 population – or five days if the entity serves an area of 50,000 or less population]*. In such cases, complementary paratransit will be provided to individuals with disabilities who are unable to use the vehicle because its lift does not work. *[Note: Alternative transportation is only required if the headway to the next accessible vehicle on the route exceeds 30 minutes, but few rural and small urban systems operate on such frequent headways.]*

Route Identification to Passengers Waiting at Shared Stops: Where vehicles for more than one route serve the same stop, each driver will stop and announce their route to passengers waiting at the stop. These stops have been listed for each route and the lists are provided to drivers during training. *[Note: You may wish to attach the lists of these stops to your policy.]* *[Note: as a supplemental approach, if preferred by the customers in your community, you may provide customers with route hailing kits (containing numbered cards, for example) to allow passengers to inform drivers of the route they want to use or to be identified by the driver as a potential customer seeking a ride on a particular route.]*

Route Orientation Announcements: Fixed route drivers will announce the following stops to passengers on board the vehicle (using the vehicle's public address system on larger vehicles if

such is available): 1) transfer points with other routes, 2) major intersections or destination points, 3) sufficient intervals along a route to orient a passenger with a visual disability to his or her location, and 4) any stop requested by a passenger with a disability. Stops that fall into the first three categories are listed for each route and provided to drivers during training. *[Note: You may wish to attach the lists of these stops to your policy.]*

Bus Stop Accessibility: When establishing new bus stops, it is the policy of the _____ **Public Transit System** to select locations that are accessible to riders using mobility devices, either at the stop location, or close by if the actual stop is not accessible to a wheelchair user. When installing improvements at existing bus stops, the improvements will be made accessible in accordance with ADA Accessibility Guidelines of the U.S. Access Board. In the event that a particular stop is not accessible, the transit system will provide complementary paratransit to any individual who is unable to use the fixed route system because that stop is inaccessible. If an individual with a disability requests that an existing stop be made accessible, the _____ **Public Transit System** will work with the jurisdiction that is responsible for the street and sidewalk (if applicable) to include accessibility improvements to the stop within the jurisdiction's ADA transition plan for sidewalks.

ADA Complementary Paratransit: Individuals who are unable to use the fixed route service because of a disability will be provided demand-response service that is comparable to the fixed route service in service availability and quality. The policies for ADA Complementary Paratransit are provided in the next section. *[Note: ADA Complementary Paratransit is not required for commuter or intercity service.]*

GUIDELINES AND PROCEDURES FOR IMPLEMENTING POLICY SPECIFIC TO ADA COMPLEMENTARY PARATRANSIT SERVICES

Introduction: The _____ **Public Transit System** provides ADA Complementary Paratransit services for individuals who are unable to use the fixed route service because of a disability. This is demand-response service that is equivalent to the fixed route service in terms of service characteristics as described under 49 CFR Part 37, Subpart F.

Eligibility Determination Process: To be eligible to use the ADA Paratransit service, local residents and long-term visitors must complete an ADA paratransit eligibility determination process. Eligible individuals will receive documentation of ADA paratransit eligibility, which can be used in other areas.

Eligibility Criteria

The certification process strictly limits ADA paratransit eligibility to the regulatory definition of eligibility. Only those persons who meet the regulatory definition will be given documentation indicating that they are "ADA Paratransit Eligible." A person will be considered eligible for complementary paratransit if:

- The individual is unable, as the result of a physical or mental impairment (including a vision impairment), and without assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any

vehicle on the system which is readily accessible to and usable by individuals with disabilities.

- The individual with a disability is capable of using the system with the assistance of a wheelchair lift but the route they want to use is not 100% ADA accessible.
- The individual with a disability has a specific impairment-related condition, which prevents such individual from traveling to a fixed route boarding location or from a disembarking location.

Temporary eligibility for ADA paratransit service will be allowed for those with a disability that is only temporary in nature. Temporary eligibility is established during the certification process.

[Note: If your system uses Conditional Eligibility, include the following paragraph.] In addition, if individuals who are determined to be ADA paratransit eligible can use fixed route service under certain conditions (for example, trips for which they have been trained to navigate or under variable conditions that affect an individual's disability), the eligibility will be considered "Conditional" and documentation which they are given will indicate the limitations/condition of their eligibility.

Application Form

A copy of the application form used for _____ **Public Transit System**'s ADA paratransit service is provided at the end of this section. (*Attach.*) Large print, audio, electronic, and other accessible formats are available upon request, as well as in Spanish language (*or other applicable language per your system's Limited English Proficiency / Language Assistance Plan*).

Review Process and Time Frame

Upon receipt of a completed application, the _____ **Public Transit System** will review the application and determine the individual's eligibility within 21 days of receipt. This responsibility has been assigned to the ADA Coordinator (*or other designated individual*).

[Note: If your system also relies on an in-person assessment, include a description of this process, responsible parties, and time frame.]

Notification of Eligibility

Each applicant will be notified in writing by mail of his or her status within 21 days of submitting a properly completed application (*and completing the in-person assessment if applicable*). If determined eligible, this letter will serve as temporary eligibility documentation as described below. The procedures for using ADA paratransit will also be mailed with this letter in a format useable by the individual (such as large print, audiotape).

Those persons determined to be ineligible will be informed as to why their application was rejected and provided instructions on how they can appeal the decision (described below). This information will also be mailed with this letter in a format useable by the individual.

Documentation

The _____ **Public Transit System** will provide certified individuals with documentation that can be used as identification for reciprocal service in other areas of the state or in other communities in the United States that are required to provide ADA complementary paratransit service. This documentation will include the following information:

- Name of eligible individual
- Name of certifying transit provider – _____ **Public Transit System**
- Telephone number of the – _____ **Public Transit System** ADA Coordinator
- Whether or not the rider requires use of a lift or ramp
- Expiration date
- Any conditions or limitations on eligibility
- Whether person is authorized to travel with a PCA
- Information on the appeal process if the individual is denied eligibility or has conditions placed on eligibility.

Term of Eligibility

Once determined eligible, a person maintains eligibility for ____ years. Recertification is required every ____ years. *[Note: Fill in the number of years, per your system's specific eligibility process. The ADA regulations state that recertification may be required at "reasonable intervals." Typical intervals used by many transit systems are three and five years.]* Persons given temporary eligibility remain eligible for the duration of time of the temporary disability, as determined through the certification process and indicated in the documentation that is to be provided to the applicant.

Appeals Process

The appeals process will be explained to all applicants who are rejected or permitted only partial (conditional or temporary) service. The applicant has 60 days to file a written appeal with _____ **Public Transit System**, with the decision to be made by the _____ **Public Transit System** Chief Operating Officer. The Chief Operating Officer has 30 days from the date of the appeal to render a decision concerning the appeal. If a decision is not reached within 30 days, the applicant will be presumed eligible until a decision has been reached. The ADA regulations require that the person who makes a determination on an appeal must not be involved in the initial determination of the individual's eligibility. *[Note: The ADA establishes the right to paratransit as a civil right, and as such, there is an obligation on the part of the transit system to ensure "due process."]*

ADA Paratransit Service for Visitors

ADA paratransit eligible individuals visiting from other localities outside of _____ (your system's service area) will also be served when eligible trips are requested. The visiting individual's local certification will be honored by the _____ **Public Transit System**. If a visitor does not have ADA certification from another jurisdiction, but makes a claim of eligibility, that claim will be honored as required by the ADA. However, in such cases, the _____ **Public Transit System** reserves the right to require proof that the individual is not a resident of the county, and if the individual has a

disability which is not apparent. If the visitor is planning on staying in the _____ area more than 21 days, he or she needs to formally apply for eligibility certification.

Personal Care Attendants

The _____ **Public Transit System** will provide paratransit service for a personal care attendant (PCA) traveling with the eligible rider. The need to travel with a PCA will be determined as part of the eligibility determination process. It is important to note that the PCA may not directly be needed for transportation, but may be needed at the individual's trip destination (for example, to assist with grocery shopping) and thus need for a PCA will not be limited to those individuals who require assistance in traveling. Also, an individual who is certified as needing a PCA cannot be denied service if they chose to travel without a PCA.

Service Characteristics and Operating Policies

Geographic Service Area

ADA paratransit is provided within a three-quarter mile radius corridor surrounding each fixed-route, plus relatively small areas enclosed by fixed routes. *(Attach a map of the service area and/or boundaries of areas covered.)*

Days and Hours of Service

ADA paratransit is provided within the same days and hours as the fixed-route services. *(Attach the current fixed route operating schedules.)*

Fares

The one-way trip charge for ADA paratransit is \$_____, based on the current fixed route fare. The fare charged for ADA paratransit will not exceed twice the regular general public cash fare for the equivalent trip on the fixed-route service. In the event that the regular public cash fare is increased the transit system may increase the paratransit fare accordingly. *(Attach the current fixed route and paratransit fares.)*

If the eligible individual is certified as needing to travel with a PCA, the PCA will not be charged a fare for ADA paratransit.

Trip Purpose

ADA paratransit is provided for trips of any purpose; no priorities are placed on specific types of trips.

Trip Scheduling and Response Time

Reservations are accepted for ADA paratransit trip reservations with one-day advance notice, until regular close-of-business hours for trips to be provided at any time the next day. Riders may schedule trips by calling the _____ **Public Transit System** office Monday through Friday from

_____ a.m. to _____ p.m., Saturday from _____ a.m. to _____ p.m., and Sunday _____ a.m. to _____ p.m. (if applicable). For trips on Monday, reservations on Sunday are accepted via *[Note: Detail how your system meets this requirement such as an answering machine/pager, Sunday office hours, or other means]*.

Service Capacity and Scheduling Flexibility

As required, the _____ **Public Transit System** will provide adequate capacity to meet all demand for eligible ADA paratransit trips. In some cases it may be necessary to make use of the one-hour window of scheduling flexibility allowed by law (that is, a trip requested for 11:00 a.m. may be scheduled as early as 10:00 a.m. or as late as 12:00 noon).

In order to meet the ADA requirement for ensuring adequate capacity, the _____ **Public Transit System** will monitor the following indicators of capacity to ensure that no patterns or practices of capacity constraints are found:

- **On-time performance** – _____ Transit System defines on-time performance as *[Note the timeframe within which you would consider a trip as “on-time.” For example, 30 minutes beyond the pick-up time. The ADA prohibits substantial numbers of significantly untimely pick-ups for initial or return trips, as this may be a capacity constraint]*. The System will try to ensure that all trips are on-time but because of the realities of operating conditions (e.g., poor weather, road construction), 100 percent of trips will not be on-time. Should on-time performance fall below _____ percent, actions will be taken to address and improve trip timeliness.
- **Trip denials and missed trips** – Since ADA prohibits substantial numbers of denied or missed trips, the _____ **Public Transit System** plans to meet all requests for ADA paratransit service based on expected demand and to avoid any missed trips. There may be insignificant number of trips that may be denied due to unforeseen conditions. There may also be an insignificant number of missed trips, defined as a trip where the vehicle arrives late and the rider either is no longer there or declines the trip due to lateness, because of the realities of operating conditions. These will be monitored to ensure compliance with ADA.
- **Trips with excessive lengths** – Since the ADA prohibits substantial numbers of trips with excessive lengths (also called travel time or ride time), _____ **Public Transit System** monitors travel times on ADA paratransit to ensure comparability to the same or comparable trip if taken on fixed route. *[Note: ADA paratransit trips should generally not take much longer, for example 15 or 20 minutes longer, than comparable trips on fixed route, which include not only the time on the bus but the time to walk to and from the bus stops at either end of the trip and the time to wait for the bus to arrive. These will be monitored to ensure compliance with ADA.]*

Subscription Trips

As permitted by the ADA regulations, _____ **Public Transit System** provides a portion of its ADA paratransit trips on a subscription basis (also called standing orders). Unlike other ADA

paratransit trips, trip priorities and waiting lists for subscription trip may be established. *[You can decide to set priorities for subscription trips – if so note here.]* Since _____ **Public Transit System** does not have capacity constraints, there are no restrictions on the percentage of trips that will be provided as subscription trips. *[Note: The requirements specify that subscription service may not absorb more than 50 percent of the available trips at any time of the service day, unless there remain trips available for non-subscription riders. That is, as long as there is capacity available for non-subscription trips (i.e., no trip denials), trips for subscription riders may exceed 50 percent of the available trip capacity.]*

Companions

An ADA paratransit rider is permitted to travel with a companion (and more than one on a space-available basis). Companion passengers pay the same fare as ADA riders. The eligible rider shall reserve space for the companion(s) when the rider reserves his or her own ride. Any companions traveling with the eligible individual must share the same trip origin and destination as the eligible individual.

Origin-to-Destination Service and Passenger Assistance

ADA paratransit services will be provided on a curb-to-curb basis *[Note if you do all trips door-to-door and, if so, adjust the next paragraph]*. The _____ **Public Transit System** drivers will assist ADA paratransit riders with boarding and disembarking from vehicles and in securing their mobility devices. All drivers who operate ADA paratransit services will be proficiently trained in passenger assistance and sensitivity towards individuals with disabilities.

Riders will be required to travel to the curb outside of their trip origin in time for their scheduled pick-up. Riders who require additional assistance in the form of door-to-door service in order to use the paratransit may request a modification of this policy by contacting the ADA coordinator at _____. In such case, the driver will provide assistance on a door-to-door basis. This ensures that the _____ **Public Transit System** meets the ADA requirement to provide service on an “origin to destination” basis. While limited assistance in guiding a passenger from their door to the curb may be provided on a case-by-case base, this must be prearranged and indicated when the trip is scheduled.

Under no circumstances will staff of the _____ **Public Transit System** provide weight-bearing assistance, leave a vehicle unattended with passengers on board, enter a rider’s home, or take actions that would be clearly unsafe. If more extensive assistance is needed by the individual than the _____ **Public Transit System** can provide as provider of public transportation, the individual will be responsible for arranging for personal assistance. The ADA coordinator will work with the individual and/or their caregiver/social worker to clarify parameters of the assistance provided by the driver and formally document this in a letter sent to the individual.

Wheelchair Accommodation

Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the

wheelchair on the vehicle. If a vehicle lift/ramp and securement area can accommodate a mobility device, _____ **Public Transit System** will transport the device (and its user).

No Show Policy

If no shows become a problem for ADA paratransit riders, the _____ **Public Transit System** will establish an ADA no-show policy with input from the disability community. A no-show policy allows a transit system to discipline riders who establish a pattern or practice of missing scheduled trips, which can have a negative effect on paratransit performance.

Deviated Fixed Route Service Sample

[This template is only appropriate for transit systems that provide deviated fixed route (sometimes called route deviation or flexible route) services. Transit systems that provide fixed route and/or general demand responsive services (in addition to, or instead of, deviated fixed route services) should refer to the sample ADA policy and procedures for these types of services.]

**Americans with Disabilities Act of 1990 (ADA)
Policy and Procedures**

Date: _____

INTRODUCTION AND PURPOSE: This ADA policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the American with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable Maryland laws and regulations. The _____ Public Transit System operates services on a deviated fixed route basis. The _____ Public Transit System complies with ADA requirements with respect to such services.

[Note: If the route deviations are offered to all members of the public, the service is considered as “demand response” and the system is not required to provide ADA complementary paratransit. However, if the system deviates only for individuals with disabilities, FTA requires the system to provide ADA complementary paratransit, which can be achieved by ensuring that the characteristics of the deviations meet ADA complementary service requirements, that an eligibility certification process has been established, and that an ADA paratransit policy/plan is in place. See “Fixed Route Service with ADA Paratransit Sample” (LOTS Manual Attachment 12.A.1 for the sample ADA paratransit policy and procedures.)]

POLICY STATEMENT: It is the policy of _____ Public Transit System to comply with all the legal requirements of Federal and State laws and regulations as they pertain to individuals with disabilities. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

1. provide safe, accessible, and dignified services to all persons, including individuals with disabilities.
2. expedite the safe and efficient boarding, securing, transporting, and alighting of all passengers, regardless of mobility status.
3. accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Disability: A physical or mental impairment that substantially limits one or more major life activities.

Fixed Route Service: Vehicle is operated along a prescribed route according to a fixed schedule.

Mobility Aid/Non-Wheelchair Mobility Device: A device used by an individual with a mobility impairment to assist with mobility but does not meet the requirements of a wheelchair as defined by ADA. These include but are not limited to canes, crutches, walkers and "Segways" when used by an individual with a mobility related disability.

Route Deviation Service: A system that permits user-initiated deviations from routes or schedules. Sometimes referred to as deviated fixed route or flexible route service.

Securement Equipment: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Securement Station: Space specifically designed to secure and stabilize wheelchairs on transit vehicles.

Service Animal: An animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: a mobility aid belonging to any class of three- or more- wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

GENERAL GUIDANCE AND PROCEDURES FOR IMPLEMENTING POLICY

Recruitment and Employment: As stated in the transit system's personnel policies, the agency is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and the State of Maryland. All vehicles purchased for fixed-route and deviated fixed-route service will be accessible. Vehicles purchased for demand-response service will

only be non-accessible to the extent that the demand-response system, when viewed in its entirety, provides the same level of service for individuals with disabilities as for individuals without disabilities.

Vehicle and Route Assignment: To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. All vehicles assigned to fixed routes and deviated fixed routes will be accessible.

For general demand-response service outside the ADA Complementary Paratransit described below, the transit system will make all reasonable efforts to make an accessible vehicle available whenever requests are made. Trip denials will be tracked by disability to monitor whether trips are disproportionately denied to individuals with disabilities because an accessible vehicle is not available. Should this be found to be the case, inaccessible vehicles will be replaced with accessible vehicles until the demand-response system, when viewed in its entirety, is accessible.

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts, wheelchair securement devices and public address systems, will be maintained in operative condition. The preventive maintenance program of the _____ Public Transit System provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection. *[Note: Lift cycling as part of the pre-trip inspection is not required by ADA but is recommended by MTA as a way to comply with the federal ADA requirement that transit systems have regular and frequent lift checks, sufficient to determine if lifts are actually operative.]*

Drivers are required to report lift failures as soon as possible. Vehicles with inoperative lifts will be replaced as soon as possible.

Additional fixed-route policies related to inoperative lifts are discussed under “Policies Specific to Fixed Route Service.”

Wheelchair Accommodation: Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the wheelchair on the vehicle. If a vehicle lift/ramp and securement area can accommodate a mobility device, _____ Public Transit System will transport the device (and its user).

Boarding: Drivers and scheduling practices will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary to accommodate slower passengers and waiting for passengers to be seated before moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pick-up site. The passenger and/or their guest, escort or attendant will maneuver the passenger and mobility aid to the vehicle. Only a properly trained transit

system employee can operate the lift, secure the wheelchair on the lift, and secure the wheelchair in the securement station.

Use of Accessibility Devices by Individuals with Disabilities Not Using a Wheelchair:

An individual with a disability who is not using a wheelchair or other seated mobility aid may use the lift to board or alight the vehicle upon request.

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating. However, this does not supersede the transit system's right to require any passenger who has caused a disruption in the safe travel of other passengers and/or driver to be required to sit in a specific area of the vehicle as a condition of transportation.

Priority seating for people with disabilities is designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that currently occupied by another passenger, the driver will ask that passenger to allow the individual with a disability to use of the seat.

Driver Assistance: Drivers will make themselves available for assistance to individuals with disabilities and will assist upon request of the passenger. Drivers will leave their seat to assist a passenger with using the vehicle ramp, lift and/or securement systems. Drivers will use the accessibility-related equipment and features on their vehicles.

Securement: Securement of wheelchairs is the responsibility of the driver and drivers will be trained in the proper operation of all securement equipment based on manufacturer specifications. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride the vehicle. Drivers cannot deny a passenger a ride based on the inability to secure the common wheelchair. However, drivers must warn the passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service. Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area.

[Note: select one depending on your agency policy. Make sure you treat all riders the same.] Seat belts and shoulder harnesses are recommended but not required for passengers riding in their secured wheelchair. **OR:** Seat belts and shoulder harnesses are required for ALL passengers.

Non-Standard Mobility Devices: Mobility devices that are not wheelchairs will be accommodated to the extent that the ADA-compliant lift and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must

be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Transfer to Fixed Seating: All passengers using seated mobility devices have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, users of seated mobility devices to transfer to fixed seating.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. Department of Transportation rules on the transportation of hazardous materials.

Service Animals: In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal, but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a threat to other passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. For fixed route, the driver will allow a passenger who uses the lift to disembark at any stop, unless the lift cannot be deployed, the lift will be damaged if deployed, or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair, secure it on the lift and operate the lift to return the passenger to the ground level.

Staff Training: All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly assisting and treating individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Rider Information: All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

Complaint Procedure: All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the _____. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. *[Note: may want to attach complaint form.]*

Reasonable Modification of Policy: If a passenger requires modification of any of these policies to accommodate their disability, they may request such a modification by contacting _____. The transit system will work with the individual to find an accommodation solution.

GUIDELINES AND PROCEDURES FOR IMPLEMENTING POLICY SPECIFIC TO DEVIATED FIXED ROUTE SERVICES

Deviation Parameters: Upon request by ____, the ____ Public Transit System will deviate up to ____-mile* from any established route. *[*Note: if the general public can request a deviation, there is no minimum deviation distance. If deviations are limited to individuals with disabilities, the three-quarter (3/4) mile ADA paratransit service criteria should be used.]*

Deviation Request Procedures: Riders may request a route deviation by calling the ____ Public Transit System at least ____ hours before the desired trip. *[Note: if the system deviates only for individuals with disabilities, at a minimum you must take requests for deviations until close of business the day before].* The rider will be assigned a pick-up time. Riders will be required to travel to the curb outside of their trip origin in time for their scheduled pick-up. Vehicles operating on route deviation service will be unable to wait for a passenger who is not at the designated stop on time. *[Note: if the system deviates only for individuals with disabilities, you may need to provide some origin-to-destination (door-to-door) services].*

Passenger Assistance: Route deviation services will be provided on a curb-to-curb basis *[Note: if the system deviates only for individuals with disabilities, you may need to provide some origin-to-destination (door-to-door) services].* The ____ Public Transit System drivers will assist riders with disabilities in boarding and disembarking from vehicles and in securing their mobility devices. All drivers who operate ____ Public Transit System services will be proficiently trained in passenger assistance and sensitivity towards persons with disabilities.

Under no circumstances will staff of the ____ Public Transit System provide weight-bearing assistance, leave a vehicle unattended with passengers on board, enter a rider's home, or take actions that would be clearly unsafe. If more extensive assistance is needed by the individual than the ____ Public Transit System can provide as provider of public transportation, the individual will be responsible for arranging for personal assistance. Staff of the ____ Public Transit System will work with the individual and/or their caregiver/social worker to clarify parameters of the assistance provided by the driver and formally document this in a letter sent to the individual.

Fixed Stop Procedures: Riders can also access route deviation service without advanced request by boarding or alighting at one of the designated fixed stops.

Fares: The one-way fare for riding the deviated fixed route service without requesting a deviation is \$____. The additional one-way fare per deviation is \$____. If a deviation is requested for both boarding and alighting, this is considered two deviations. *[Note: if the system deviates only for individuals with disabilities, the total fare including the surcharge cannot be more than twice the general public base fare].*

Inoperative Lifts: Vehicles with inoperative lifts will be taken out of deviated fixed route service as soon as possible and inoperative equipment will be replaced promptly with spare vehicle. The inoperative lift will be repaired before the vehicle returns to service. In the interim, the _____ Public Transit System will provide demand-response transportation to passengers who require the use of the lift.

Eligibility Certification: *[Note: If the system deviates only for individuals with disabilities, effectively using its deviation mechanism as its ADA complementary paratransit requirement, it needs to establish a process for certifying riders as eligible for the deviations. This can be as simple (e.g., self-certification by the individual) or extensive (e.g., functional eligibility determination or conditional eligibility).]*

Capacity Constraints: *[Note: If the system deviates only for individuals with disabilities, effectively using its deviation mechanism as its ADA complementary paratransit requirement, the policy needs to state that no trip restrictions or constraints on the number of deviations that individuals with disabilities can request or receive].*

Demand Response Service Sample

[This template is only appropriate for transit systems that provide general demand responsive services. Transit systems that provide fixed route with ADA paratransit and/or deviated fixed route services (in addition to, or instead of, general demand responsive services) should refer to the sample ADA policy and procedures for these types of services.]

Americans with Disabilities Act of 1990 (ADA)

Policy and Procedures

Date: _____

Purpose: This policy is written to establish operating and service guidelines and procedures for the implementation of the requirements of the American with Disabilities Act of 1990 (ADA), the U.S. Department of Transportation regulations for implementing ADA (49 CFR Parts 27, 37 and 38), and applicable Maryland laws and regulations. The _____ Public Transit System operates services on a demand response basis. The _____ Public Transit System complies with ADA requirements with respect to such services.

Policy: It is the policy of _____ Public Transit System to comply with all the legal requirements of Federal and State laws and regulations as they pertain to individuals with disabilities. The transit system provides quality transportation services without discrimination to all persons including individuals with disabilities. Discrimination on the basis of disability against any person by transit system employees will not be condoned or tolerated.

Goals: Service is provided in a manner that meets these goals to:

1. Provide individual, dignified services to all persons including individuals with disabilities.
2. Expedite the safe and efficient boarding, securing, transporting and alighting of all passengers, regardless of mobility status.
3. Accommodate the wide range of mobility aids within the confines of available vehicles and commercial standard equipment.

Applicability: This policy applies to all transit system employees, services, facilities and vehicles. It applies equally to all persons needing and/or using the services provided by the system.

Definitions:

Disability: A physical or mental impairment that substantially limits one or more major life activities.

Mobility Aid/Non-Wheelchair Mobility Device: A device used by an individual with a mobility impairment to assist with mobility but does not meet the requirements of a wheelchair as defined by ADA. These include but are not limited to canes, crutches, walkers and “Segways” when used by an individual with a mobility related disability.

Securement Equipment: Equipment used for securing wheelchairs against uncontrolled movement during transport.

Securement Station: Space specifically designed to secure and stabilize wheelchairs on transit vehicles.

Service Animal: An animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

Wheelchair: a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

GENERAL GUIDANCE AND PROCEDURES FOR IMPLEMENTING POLICY

Recruitment and Employment: As stated in the transit system's personnel policies, the agency is an Equal Opportunity Employer and fully complies with ADA in its recruitment, hiring and continued employment practices.

Facility and Vehicle Accessibility: The transit system administrative facility, passenger facilities and vehicles shall meet or exceed the requirements of 49 CFR Parts 27, 37 and 38 and the State of Maryland. Vehicles purchased for demand-response service will only be non-accessible to the extent that the system, when viewed in its entirety, provides the same level of service to individuals with disabilities as for individuals without disabilities.

Vehicle and Route Assignment: To the extent possible, the assignment of particular types of vehicles will be based upon rider needs. However, in the interest of preparedness, standard operating procedures shall be to station accessible vehicles first on runs that operate on a daily basis and have the potential for accessibility needs on a given day, second on runs that have a history of higher accessibility needs, and third on all other runs. The transit system will make all reasonable efforts to make an accessible vehicle available whenever requests are made. Trip denials will be tracked by disability to monitor whether trips are disproportionately denied to individuals with disabilities because an accessible vehicle is not available. Should this be found to be the case, inaccessible vehicles will be replaced with accessible vehicles until the system, when viewed in its entirety, is accessible.

Maintenance of Accessible Features: Accessibility features on vehicles, including lifts and wheelchair securement systems, will be maintained in operative condition. The preventive maintenance program of the _____ Public Transit System provides for regular and frequent maintenance checks of these features as well as preventive maintenance as recommended by the equipment manufacturers. In addition, the lift must be cycled as part of each pre-trip inspection. *[Note: Lift cycling as part of the pre-trip inspection is not required by ADA but is recommended by MTA as a way to comply with the federal ADA requirement that transit systems have regular and frequent lift checks, sufficient to determine if lifts are actually operative.]*

Drivers are required to report lift failures as soon as possible. Vehicles with inoperative lifts will be replaced as soon as possible.

Wheelchair Accommodation: Transportation providers are required to carry a wheelchair and its user, as long as the lift can accommodate the size and weight of the wheelchair and its user, and there is space for the wheelchair on the vehicle. If a vehicle lift/ramp and securement area can accommodate a mobility device, _____ Public Transit System will transport the device (and its user).

Boarding: Drivers will provide adequate time for a passenger with a disability to board and/or disembark the vehicle, which includes adjusting the schedule if necessary to accommodate slower passengers and waiting for passengers to be seated before moving the vehicle. It is the responsibility of the driver to determine the safest location for passenger boarding based on conditions and individual needs upon arrival at the pick-up site. The passenger and/or their guest, escort or attendant will maneuver the passenger and mobility aid to the vehicle. Only a properly trained transit system employee can operate the lift, and secure the wheelchair in the securement station.

Use of Accessibility Devices by Individuals with Disabilities Not Using a Wheelchair: An individual with a disability who is not using a wheelchair or other seated mobility aid may use the lift to board or alight the vehicle upon request.

Priority Seating: With the exception of the wheelchair securement stations, the transit system does not require any passenger to sit in designated seating. However, this does not supersede the transit system's right to require any passenger who has caused a disruption in the safe travel of other passengers and/or driver to be required to sit in a specific area of the vehicle as a condition of transportation.

Priority seating for people with disabilities is designated by permanent signage in each vehicle. In cases where an individual with a disability requests use of priority seating that currently occupied by another passenger, the driver will ask that passenger to allow the individual with a disability to use of the seat.

Driver Assistance: Drivers will make themselves available for assistance to individuals with disabilities and will assist upon request of the passenger. Drivers will leave their seat to assist a passenger with using the vehicle ramp, lift and/or securement systems. Drivers will use the accessibility-related equipment and features on their vehicles.

Securement: Securement of wheelchairs is the responsibility of the driver and drivers will be trained in the proper operation of all securement equipment based on manufacturer specifications. Drivers should not allow a passenger to ride if they are not secured properly unless the securement system will not accommodate the wheelchair. If the securement system is not compatible with the wheelchair the passenger is using, the driver will still make an attempt to safely secure the wheelchair. If the wheelchair cannot be secured because of the wheelchair design, the passenger still has the right to ride the vehicle. Drivers cannot deny a passenger a ride based on the inability to secure the common wheelchair. However, drivers must warn the

passengers of the danger of riding in a non-secured wheelchair. Passengers who refuse to allow their wheelchairs to be secured may be denied service. Drivers must secure wheelchairs in the designated securement area only, even if the passenger wants their mobility device to be secured in a non-designated area.

[Note: select one depending on your agency policy. Make sure you treat all riders the same.] Seat belts and shoulder harnesses are recommended but not required for passengers riding in their secured wheelchair. **OR:** Seat belts and shoulder harnesses are required for ALL passengers.

Non-Standard Mobility Devices: Mobility devices that are not wheelchairs will be accommodated to the extent that the ADA-compliant lift and securement areas can safely do so. However, these devices are the responsibility of the individual passenger, and must be secured in a manner that does not interfere with the safe operation of the vehicles and the transport of other passengers.

Transfer to Fixed Seating: All passengers using seated mobility devices have an option of transferring to fixed seating once on board the vehicles. Drivers may recommend, but never require, users of seated mobility devices to transfer to fixed seating.

Accommodation of Portable Oxygen: Individuals are allowed to travel with respirators and portable oxygen supplies on board, consistent with applicable U.S. Department of Transportation rules on the transportation of hazardous materials.

Service Animals: In compliance with 49 CFR Part 37, the transit system allows trained service animals to accompany passengers with disabilities. The driver will not ask for proof of the qualifications of the animal, but may ask what tasks the animal has been trained to perform. However, any animal which is not under the passenger's control or which becomes a threat to other passengers may be restricted from riding.

Alighting: It is the responsibility of the driver to determine that the location for passenger alighting is safe. However, the driver will allow a passenger who uses the lift to disembark at any location, unless the lift cannot be deployed, the lift will be damaged if deployed; or conditions at the stop would present unsafe conditions for all passengers. Only the driver will unsecure the wheelchair, secure it on the lift and operate the lift to return the passenger to the ground level.

Staff Training: All drivers and transit system staff are trained to proficiency in use of accessibility equipment, the operating policies related to each of the service requirements described, and in properly assist and treat individuals with disabilities with sensitivity. Mechanics are also trained to properly maintain lifts and other accessibility equipment.

Rider Information: All printed informational materials are made available in accessible formats upon request, for example, large print for individuals with low vision or audio for blind individuals, as well as accessible electronic formats.

Complaint Procedure: All complaints of discrimination on the basis of disability will be promptly and objectively investigated and forwarded to the _____. Corrective or disciplinary action will be taken for behavior prohibited by this policy, up to and including termination of employment. *(Note: may want to attach complaint form.)*

Reasonable Modification of Policy: If a passenger requires modification of any of these policies to accommodate their disability, they may request such a modification by contacting _____. The transit system will work with the individual to find an accommodation solution.

GUIDELINES FOR IMPLEMENTING POLICY SPECIFIC TO DEMAND RESPONSE SERVICES

Service in the Most Integrated Setting

The _____ Public Transit System demand response transportation service is a shared-ride service. It is the policy of the _____ Public Transit System to provide service for individuals with disabilities in the most integrated setting appropriate to the needs of the individual, including providing service to individuals with disabilities on the same vehicles and together with all other riders.

Service Characteristics

The demand responsive system of the _____ Public Transit System, when viewed in its entirety, provides an equivalent service to individuals with disabilities, including individuals who use wheelchairs, with respect to the following service characteristics:

- **Response time:** individuals with disabilities are not required to reserve services further in advance than other individuals.
- **Fares:** individuals with disabilities are not charged higher fares than other individuals.
- **Geographic area of service:** individuals with disabilities can use the service to travel to and from the same areas as other individuals.
- **Hours and days of service:** individuals with disabilities can use the service during the same days and hours as other individuals.
- **Restrictions or priorities based on trip purpose:** travel by individuals with disabilities is not restricted by trip purpose any more than travel by other individuals.
- **Availability of information and reservations capability:** individuals with disabilities have access to the same information and reservations capability as other individuals.
- **Any constraints on capacity or service availability:** travel by individuals with disabilities is not limited by capacity any more than travel by other individuals is.

ADA Service Provision Compliance Documentation Requirements

These requirements apply to ALL fixed route and demand response services (unless otherwise noted).

Maintenance of Accessible Features

<i>FTA Requirement:</i>	<i>Recordkeeping and Documentation:</i>
All providers of transportation service must maintain in operative condition the features required to make facilities and vehicles accessible to individuals with disabilities. These features include lifts, ramps, securement devices, elevators, signage, and systems to facilitate communication. All accessibility features must be repaired promptly.	<ul style="list-style-type: none"> • written policy on maintenance of accessible features • preventative maintenance procedures and checklists that include testing and maintaining accessible features: <ul style="list-style-type: none"> ○ Pre-trip inspection form: <ul style="list-style-type: none"> ▪ cycle lift/ramp and kneeler feature ▪ inspect securement devices and belts ▪ test PA system if available ○ Mileage interval maintenance <ul style="list-style-type: none"> ▪ lubricate, service hydraulics, etc. per manufacturer's recommendations • log of inspections for each vehicle, including any findings indicative of repair needs • documentation of work order and repair, and any difficulties in obtaining a timely repair

Procedures to Ensure Lift Availability (primarily fixed route)

<i>FTA Requirement:</i>	<i>Recordkeeping and Documentation:</i>
<p>Public entities operating non-rail vehicles must establish a system of regular maintenance checks for lifts. If a lift is inoperative, the vehicle must be removed from service before the next day unless an exception applies. Alternative service to persons with disabilities is required if a vehicle with an inoperable lift is used on a fixed route and the headway to the next accessible vehicle exceeds 30 minutes. The vehicle must be removed from service before the beginning of the next service day if the lift or ramp is not repaired. The lift or ramp should be repaired before the vehicle is returned to service. In the event that there is no spare vehicle available and the grantee would be required to reduce service to repair the lift or ramp, the grantee can keep the vehicle with the inoperable lift or ramp in service for no more than five days (if the grantee serves an area of 50,000 persons or fewer in population) or three days (if the grantee serves an area of more than 50,000 persons in population).</p>	<ul style="list-style-type: none"> • written policies and procedures for the event that a vehicles lift/ramp becomes inoperable • maintain a log of: <ul style="list-style-type: none"> ○ days an inaccessible vehicle is operated on a route ○ provision of alternative service during those days an inaccessible vehicle is operated on a route ○ efforts to notify customers of availability of alternate service

Accommodating Riders Using Wheelchairs

FTA Requirement:	Recordkeeping and Documentation:
<p>A wheelchair is defined in § 37.3 as “a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.”</p> <p>With respect to wheelchair/occupant combinations that are larger or heavier than those to which the design standards for vehicles and equipment of 49 CFR Part 38 refer (<i>i.e., what was formerly defined as a “common wheelchair,” meaning within a 30 inch by 48 inch footprint weighing no more than 600 pounds when occupied</i>), the entity must carry the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant.</p> <p>The entity may decline to carry a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety requirements.</p>	<ul style="list-style-type: none"> • inventory of accessible vehicles with actual lift/ramp design load and securement area dimensions identified • written policies and procedures to accommodate all wheelchairs that vehicle equipment is designed to accommodate. • written information provided to riders with larger wheelchairs advising them of the maximum weight and dimensions that can be accommodated • maintain a log of: <ul style="list-style-type: none"> ○ requests for service denied based on occupied weight or dimensions of an individual’s wheelchair ○ incidents in which an individual’s wheelchair could not board or fit within the securement area. ○ communications with customers regarding size of occupied mobility device that can be accommodated. ○ efforts to accommodate an individual by assigning them to a vehicle with a lift/ramp a higher load rating and/or larger securement area

Lift and Securement Use

Use of Accessibility Features

FTA Requirement:	Recordkeeping and Documentation:
<p>Lift and Securement Use: Public and private entities providing transportation service must have a securement system for wheelchairs. Grantees may require that wheelchair users permit their wheelchairs to be secured, but may not deny service on the grounds that a wheelchair cannot be secured. Grantees may not require a wheelchair user to transfer to another seat. Staff must provide assistance upon request or as necessary with lifts, ramps, and securement systems. Grantees must permit individuals with disabilities who do not use wheelchairs to use the vehicle's lift or ramp. Under the equivalent facilitation requirements of the ADA, grantees cannot require persons in wheelchairs to use a lap belt unless all passengers are required to use one.</p> <p>Use of Accessibility Features: Vehicle operators and other personnel must make use of required accessibility-related equipment and features.</p>	<ul style="list-style-type: none"> written policies and procedures for drivers and customers training records documenting driver training in safe use of equipment as well as policies for their use record all instances when <ul style="list-style-type: none"> a driver is unable to secure a customer's wheelchair (service may not be denied, but may be helpful in the event of an accident) a customer refuses to permit his wheelchair to be secured (service may be denied if it is the transit system's policy that all chairs be secured) RECOMMENDED: If possible, follow up with customers whose chairs cannot be secured; offer to work with them to identify and mark possible securement points and/or provide tether straps (example developed for AC Transit: http://www.actransit.org/wp-content/uploads/securement.pdf). Documentation of these efforts could be helpful the event of an accident in which the customer's unsecured wheelchair results in an injury. document incidences of unaccommodated requests to board by customer who use mobility devices. maintain a count of the instances of use of the lift/ramp on each route per day. If feasible, note locations of use and time of day, which can provide helpful information for schedule planning. track and investigate customer complaints related to use of accessibility features. Retrain drivers if appropriate and document. Provide written responses to customers.

Adequate Time for Vehicle Boarding/Disembarking

<i>FTA Requirement:</i>	<i>Recordkeeping and Documentation:</i>
Grantees must ensure adequate time for individuals with disabilities to board or disembark a vehicle.	<ul style="list-style-type: none"> • Written policies and procedures for drivers and customers • On fixed and flexible routes, documentation of “slack” in the schedule (e.g., 5-10 minute layovers at major transfer points) • In demand-response service, track and investigate driver reports of inadequate boarding/deboarding time in schedule. • Flag the need for additional boarding/deboarding time for appropriate customers for scheduler/dispatcher information. • Track and investigate customer complaints related to boarding and deboarding time. Adjust schedules and retrain drivers if appropriate. Document.

Lift Deployment at Any Designated Stop (fixed routes only)

<i>FTA Requirement:</i>	<i>Recordkeeping and Documentation:</i>
Grantees must not refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions preclude the safe use of the stop by all passengers.	<ul style="list-style-type: none"> • written policies and procedures, including procedures for customers to learn locations where the lift cannot be deployed • maintain an inventory of all bus stops • document efforts to assess accessibility characteristics of bus stops and include findings in the inventory • maintain a list of stops at which the lift cannot be deployed at all or without damage. Document efforts to assess the stop and consideration for re-location or improvement. • documentation of driver training on policy and problem stops • track and investigate customer complaints related to refusal of drivers to deploy lifts.

Announcements on Vehicles (fixed routes only)

FTA Requirement:	Recordkeeping and Documentation:
On fixed route systems, grantees must announce stops at transfer points, major intersections and destination points, at adequate intervals along a route, and an individual stop upon request.	<ul style="list-style-type: none"> written policies and procedures, including procedures when any automated technology is not functioning documentation of driver training written lists of stops requiring announcements document inspection of functioning of PA system as part of pre-trip if an automated announcements are used, document <ul style="list-style-type: none"> updates on information, instances of system not functioning that manual announcements were made when system was not functioning. repair orders when system was not functioning. documentation of monitoring efforts (such as spot checks by supervisors, “secret shopper” monitoring) track and investigate customer complaints related to stop announcements

Vehicle Identification Mechanisms (fixed routes only)

FTA Requirement:	Recordkeeping and Documentation:
If vehicles for more than one route serve the same stop, the grantee must provide a mechanism for a person with a visual impairment or other disability to identify the proper vehicle to enter or be identified as a person seeking a ride on a particular route.	<ul style="list-style-type: none"> written policies and procedures documentation of driver training if external announcements are used, <ul style="list-style-type: none"> written lists of locations requiring external announcements documentation of monitoring efforts (such as spot checks by supervisors, “secret shopper” monitoring) if another mechanism is used, appropriate documentation (e.g., distribution of route hailing cards) track and investigate customer complaints related to vehicle identification. Document resolutions.

Service Animals

<i>FTA Requirement:</i>	<i>Recordkeeping and Documentation:</i>
Grantees must permit service animals to accompany individuals with disabilities in vehicles and facilities. The DOT ADA regulations define service animal as any animal individually trained to work or perform tasks for an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. It is discriminatory to require a person with a disability to certify or register a service animal.	<ul style="list-style-type: none"> • written policies and procedures • documentation of driver training • <u>RECOMMENDED</u>: documentation of any problems experienced with specific service animals (e.g., occasions when an animal is not under control of the customer) and efforts to work with the customer to solve the problem. • track and investigate customer complaints related to service animals. Document resolutions.

Public Information/Communications

<i>FTA Requirement:</i>	<i>Recordkeeping and Documentation:</i>
Grantees must make service information available in accessible format upon request.	<ul style="list-style-type: none"> • written policies and procedures, including which formats are made available, and how they are to be prepared or updated • include information about the availability of accessible formats on all public brochures and web site and where to obtain • Include the procedures for requesting special accommodations on notices of public meetings. • <u>RECOMMENDED</u>: include TDD/TTY number or number for statewide relay system on brochures and web site • documentation of staff training in policies and procedures • <u>RECOMMENDED</u>: maintain a list of potential vendors for braille transcription and sign language interpreters. • <u>RECOMMENDED</u>: track customer requests for accessible formats. This information will be helpful in anticipating and budgeting for future requests. • track and investigate customer complaints related to information formats. Document resolutions.

Service to Persons Using Respirators or Portable Oxygen

FTA Requirement:	Recordkeeping and Documentation:
Grantees may not deny service to individuals using respirators or portable oxygen.	<ul style="list-style-type: none"> • written policies and procedures • documentation of driver training • track and investigate customer complaints related to respirators or portable oxygen. Document resolutions.

Training

FTA Requirement:	Recordkeeping and Documentation:
Grantees must provide training to operators of fixed route and demand responsive service including training for the safe operation of the vehicles and accessibility equipment and the proper treatment of persons with disabilities.	<ul style="list-style-type: none"> • written policies and procedures to provide training to new drivers and refresher training for veteran drivers • develop and maintain a written curriculum for ADA-related training. • develop standards for what constitutes successful completion of the training • maintain a file copy of each item provided to drivers during training • Keep a log of who gets trained, in what, when, by whom. Note training received within each employee's file. • Document of monitoring efforts (such as spot checks by supervisors, "secret shopper" monitoring) • track and investigate customer complaints related to driver actions and communications. Retrain a driver as needed. Document resolutions.

Reasonable Modification of Policy

<i>FTA Requirement:</i>	<i>Recordkeeping and Documentation:</i>
<p>A public entity providing designated public transportation, in meeting the reasonable modification requirement of §37.5(i)(3) with respect to its fixed route, demand responsive, and complementary paratransit services, shall respond to requests for reasonable modification to policies and practices consistent with this section.</p> <p>The public entity shall make information about how to contact the public entity to make requests for reasonable modifications readily available to the public through the same means it uses to inform the public about its policies and practices.</p> <p>Regarding ADA Complementary Paratransit policy, which the ADA regulations indicate are an “origin-to-destination” service: When an ADA paratransit operator chooses curb-to-curb as its primary means of providing service, it must provide assistance to those passengers who need assistance beyond the curb in order to use the service unless such assistance would result in a fundamental alteration or direct threat.</p> <p>Additional examples of reasonable modification of policy requests can be found in Appendix E to 49 CFR Part 37.</p>	<ul style="list-style-type: none"> • Written policy and procedures • Document customer requests for modification of policy to accommodate their individual disability and outcome.

Other Required Documentation

- Provide written notice of responses to ADA-related complaints or incident follow-up, and keep a copy on file.
- Document participation of people with disabilities on your consumer advisory board and other advisory groups. Document outreach efforts to involve people with disabilities on these groups.
- Include the procedures for requesting special accommodations on notices of public meetings.

Other Recommendations

- Recommendation: Have written policies and procedures for denying service for any customer (with or without a disability) who exhibits disruptive behavior.
- Document any incident when a person with a disability (or any other customer) is denied service for reasons not necessarily related to their disability.

ADA Complementary Paratransit Scheduling Practices and Capacity Constraints Compliance Documentation Requirements

These requirements apply ONLY to ADA complementary paratransit service.

FTA Requirements:	Recordkeeping and Documentation:
<p>Next day service: The entity shall make reservation service available during at least all normal business hours of the entity's administrative offices, as well as during times, comparable to normal business hours, on a day when the entity's offices are not open before a service day.</p>	<ul style="list-style-type: none"> • written policy with business hours during which scheduling requests are accepted. • written procedures for accepting Monday trip requests on Sundays • instructions provided to the customer regarding scheduling next day trips until close of business, including Monday trips on Sundays • log any customer complaints and follow-up regarding next day scheduling practices
<p>Trips scheduled within one hour of the request trip time: The entity may negotiate pickup times with the individual, but the entity shall not require an ADA paratransit eligible individual to schedule a trip to begin more than one hour before or after the individual's desired departure time.</p> <p><i>The exception to this negotiating window is when it would result in the customer arriving late for work (in scheduling the trip up to an hour later than the desired departure time), or leaving work early (in scheduling the trip up to an hour before than the desired departure time)</i></p>	<ul style="list-style-type: none"> • Written policy, which should address <ul style="list-style-type: none"> ○ desired pick-up time indicated by the customer ○ desired arrival time indicated by the customer ○ scheduling window (e.g., <i>the customer will be picked up between 8 and 8:30</i>) • Record for all trip requests: <ul style="list-style-type: none"> ○ Requested pick-up or drop-off time ○ Negotiated pick-up time (what the scheduler tells the customer on the phone) ○ Scheduled pick-up time (what is on the driver's manifest) ○ Actual pick-up time (recorded by the driver) ○ Estimated time of arrival (provided to the customer on the phone) ○ Actual arrival time (recorded by the driver) ○ Any complaints received from the customer related to the trip • log all instances when the offer to negotiate up to an hour before or after the requested time is refused by the customer, and reason (if indicated by customer) – <i>Not a trip denial unless the offered time would make the customer arrive at late or leave early for work.</i> • log all instances when capacity is so constrained that the trip could not be scheduled even within the allowable negotiating window – <i>Trip denial, even if the customer is willing to schedule the trip at another time outside of this window, because it is still indicative of constrained capacity at the initially requested time.</i>
<p>Subscription service capped at 50 percent unless there is non-subscription capacity: Unless the service does not have capacity constraints, subscription service may not absorb more than fifty percent of the number of trips available at a</p>	<ul style="list-style-type: none"> • written policy, which clearly defines what trips qualify for subscription scheduling • procedures for determining when subscription scheduling reaches 50 percent of available capacity. <p><i>Note: For example, if you have capacity for 20 trips an hour, during hours when demand exceeds capacity, no more than 10 trips may be scheduled on a subscription basis.</i></p>

given time of day.	Refer to documentation of incidences of capacity constraints to determine times of the day this cap is needed.
<p>No pattern or practice of reservation or service capacity constraints: The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:</p> <p>(1) Restrictions on the number of trips an individual will be provided;</p> <p>(2) Waiting lists for access to the service; or</p> <p>(3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.</p> <p>(i) Such patterns or practices include, but are not limited to, the following:</p> <p>(A) Substantial numbers of significantly untimely pickups for initial or return trips;</p> <p>(B) Substantial numbers of trip denials or missed trips;</p> <p>(C) Substantial numbers of trips with excessive trip lengths.</p> <p>(ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.</p> <p><i>Note: the capacity of phone reservation system is also a concern during an ADA paratransit compliance review, as it affects the customer's ability to get through to someone to schedule the trip. Times when customers cannot get through at all (i.e., busy signal) or are placed in a holding queue of excessive length are both problematic.</i></p>	<ul style="list-style-type: none"> • written policy, including definitions of what constitutes a: <ul style="list-style-type: none"> ○ trip denial (<i>when one leg of a round trip cannot be reserved, and the customer refuses the other leg as a result, should this be considered one or two trip denials?</i>) ○ late trip (<i>how many minutes late is considered late but not missed? If will-call return trips are made, how long should a customer have to wait for a "will-call" return trip pick-up to be performed?</i> <i>Transit system needs to establish standard for on-time performance, factoring in the pick-up and drop-off windows. Sample performance standard, from ESPA's <u>Innovative Practices in Paratransit Services</u>: A trip will be considered to be performed on time if the pick-up is made within the pick-up window which is from the negotiated pick-up time until up to 20 minutes after that negotiated time; and the drop-off is made within the drop-off window, which is up to 30 minutes before, but no later than, the stated appointment time if applicable.)</i> ○ missed trip (<i>how many minutes late is effectively a trip that wasn't provided e.g. because customer missed his appointment?</i>) ○ trip of excessive length (<i>how long is it acceptable for customer to be on board to complete their trip? For example, trips that are longer than a set amount of time, e.g.60 or 90 minutes, or trips that are considerably longer than comparable fixed-route trips from and to the same origins and destinations at the same time of day.</i> ○ excessive telephone hold times (<i>primary as well as secondary – if placed on hold after talking with a person. Sample performance standard, from ESPA's <u>Innovative Practices in Paratransit Services</u>: Answer all calls within 5 rings or less. No more than 10 percent of all calls within any 30-minute period on hold for more than 2 minutes. No more than 5 percent of all calls within any 30-minute period on hold for more than 3 minutes. No calls in any 30-minute period on hold for more than 5 minutes.</i> ○ late cancellation (<i>if a customer cannot get through on the phone to cancel a trip in the allowable cancellation window, they should not be penalized under the agency's no-show policy</i>) • an absence of stated restrictions placed on eligible individuals for eligible trips in operating policies or information provided to customers • an absence of waiting lists (<i>okay for subscription trips or those not mandated by the ADA</i>) • log of : <ul style="list-style-type: none"> ○ denials for eligible trips (reported by scheduler or customer) ○ late trips (reported by driver or customer) ○ missed trips (reported by driver or customer) ○ trips of excessive length (reported by driver, dispatcher or customer) ○ total trips scheduled (total per day and by each hour of the day), to identify relative percentage of trip denials, missed trips, etc. ○ RECOMMENDED: extreme weather, traffic disruptions, or other unusual conditions beyond the agency's control which affected operations that day.

	<p><i>Note: Only a few instances do not constitute a pattern or practice, but to demonstrate they are few and far between, you need to document them. However, if they are frequent, this is indicative of a problem that your system needs to address and makes you vulnerable to complaints and findings of non-compliance. Scheduling/dispatching technology and GPS/MDTs can automate tracking of trips requested, scheduled, denied, missed, provided late, etc.</i></p> <ul style="list-style-type: none"> • RECOMMENDED: track hours of the day when: <ul style="list-style-type: none"> ○ trip denials of eligible trips are happening with any regularity. ○ missed trips and delays are happening with any regularity ○ telephone lines are full ○ telephone hold times exceed acceptable hold times ○ call abandonment rate is high (due to excessive hold times) <p><i>Note: This information will help you target the times in which the problem needs to be addressed – use it as a planning feedback loop. If your phone system technology does not track hold times, call abandonment, etc., ask your reservations staff when the phones are busiest, and periodically observe operations to assess the extent of the potential difficult for customers trying to get through the schedule a ride.</i></p>
<p>Proper tracking of trip denials</p>	<ul style="list-style-type: none"> • See above. It is important to track denials of eligible trips due to capacity constraints as compared to ineligible trips (i.e. those requested by customers who are not eligible or are conditionally eligible, but not for that particular trip, trips outside of the service area, trips outside of the hours of service, etc.) • RECOMMENDED: log denials of <i>ineligible</i> trip requests and reason for ineligibility (as defense in case customer complains) • documentation of investigation and resolution (including written response) of customer complaints related to scheduling and service delivery

Title VI

2015 – 2017 Implementation Plan

Title VI of the Civil Rights Act of 1964

Name of Agency

[Insert Agency brand, logo here or put this cover page on agency letterhead]

Adopted date

Month __, 20__

Note: throughout this document **Yellow highlighted** text represents instruction for the agency.

Note: throughout this document **Red highlighted** text represents actual sample documents and/or material to provide by the agency.

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Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people must submit:

- ☐ Demographic and service profile maps and charts
- ☐ Demographic ridership and travel patterns, collected by surveys
- ☐ A description of the public engagement process for setting the “major service change policy,” disparate impact policy, and disproportionate burden policy
- ☐ Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) approved the results of the analysis

I. INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency.

Recipients of public transportation funding from FTA and the Maryland Transit Administration (MTA) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how **[Name of Agency]** incorporates nondiscrimination policies and practices in providing services to the public.

II. OVERVIEW OF SERVICES

[Insert brief description about your organization and the transportation services you provide. Please be mindful to describe your overall agency and mission with emphasis on how your federally-funded transportation component fits in and serves your clients.]

III. POLICY STATEMENT AND AUTHORITIES

Title VI Policy Statement

[Name of Agency] is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

[Name of Agency]'s Title VI Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Signature of Authorizing Official

Date

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted);

U.S. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

IV. NONDISCRIMINATION ASSURANCES TO MTA

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement is fulfilled when the Maryland Transit Administration (MTA) submits its annual certifications and assurances to FTA. The MTA shall collect Title VI assurances from sub recipients prior to passing through FTA funds.

As part of the Certifications and Assurances submitted to MTA at the time of grant application and award, [Name of Agency] submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA).

In signing and submitting the assurance, [Name of Agency] confirms to MTA our commitment to nondiscrimination and compliance with federal and state requirements.

V. PLAN APPROVAL DOCUMENT

[The agency's Title VI Plan must be approved by the agency's governing body. Below is sample approval language the agency may use to do so.]

I hereby acknowledge the receipt of the [Name of Agency] Title VI Implementation Plan 2015-2017. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of [Name of Agency's] transportation services on the basis of race, color, or national origin, as protected by Title VI according to C 4702.1B Title VI requirements and guidelines for Federal Transit Administration sub-recipients.

Signature of Authorizing Official

DATE

NAME, TITLE

AGENCY NAME

NOTE: **Provide here a copy of meeting minutes, resolution, or other appropriate documentation showing that the board of directors or appropriate governing entity of official(s) responsible for policy decisions has reviewed and approved the Title VI Program.**

VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES

Under the authority of [Name of Agency], the [Agency Authorizing Official's title] will serve as the Title VI Manager and is responsible for ensuring implementation of the agency's Title VI program. (Note, more than one official may be designated to serve as the Title VI official). The specific areas of responsibility are described below.

Overall Organization for Title VI

The Title VI Manager and staff are responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

Title VI Manager Responsibilities

The Title VI Manager is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received.
2. Collect statistical data (race, color, or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
3. Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid fund contracts administered through the agency.
5. Conduct training programs on Title VI and other related statutes for agency employees.
6. Prepare a yearly report of Title VI accomplishments and goals, as required.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Identify and eliminate discrimination.
9. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days.

General Title VI Responsibilities of the Agency

The Title VI Manager is responsible for substantiating that these elements of the plan are appropriately implemented and maintained, and for coordinating with those responsible for public outreach and involvement and service planning and delivery.

1. Data Collection

To ensure that Title VI reporting requirements are met, [Name of Agency] will maintain:

- A database or log of Title VI complaints received. The investigation of and response to each complaint is tracked within the database or log.
- A log of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

2. Annual Report and Updates

As a sub-recipient of FTA funds, [Name of Agency] is required to submit a Quarterly Report Form to the MTA that documents any Title VI complaints received during the preceding quarter and for each year. [Name of Agency] will also maintain and provide to the MTA on an annual basis, the log of public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

Further, we will submit to MTA updates to any of the following items since the previous submission, or a statement to the effect that these items have not been changed since the previous submission, indicating date:

- A copy of any compliance review report for reviews conducted in the last three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations
- Public Participation Plan (PPP)
- Language Assistance Plan (LAP)
- Procedures for tracking and investigating Title VI complaints
- A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submission
- A copy of the agency notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint
- Minority representation on Committees by race

3. Annual Review of Title VI Program

Each year, in preparing for the Annual Report and Updates, the Title VI Manager will review the agency's Title VI program to assure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

4. Dissemination of Information Related to the Title VI Program

Information on our Title VI program will be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the “public outreach and involvement” section of this document, and in other languages when needed according to the LEP plan as well as federal and State laws/regulations.

5. Resolution of Complaints

Any individual may exercise his or her right to file a complaint if that person believes that he, she, or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. [Name of Agency] will report the complaint to MTA within three business days (per MTA requirements), and make a concerted effort to resolve complaints locally, using the agency’s Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described under 1. Data Collection and reported annually (in addition to immediately) to MTA.

6. Written Policies and Procedures

Our Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the Annual Title VI Program Review (item 3 above), the Title VI Manager will determine if an update is needed.

7. Internal education

Our employees will receive training on Title VI policies and procedures upon hiring and upon promotion. This training will include requirements of Title VI, our obligations under Title VI (LEP requirements included), required data that must be gathered and maintained. In addition, training will be provided when any Title VI-related policies or procedures change (agency-wide training), or when appropriate in resolving a complaint.

Title VI training is the responsibility of [title of responsible individual(s)].

8. Title VI clauses in Contracts

In all federal procurements requiring a written contract or Purchase Order (PO), [Name of Agency]’s contract/PO will include appropriate non-discrimination clauses. The Title VI Manager will work with the [title of individual(s)] who is/are responsible for procurement contracts and PO’s to ensure appropriate non-discrimination clauses are included.

VII. GENERAL REPORTING REQUIREMENTS

REQUIREMENT TO PROVIDE A TITLE VI PUBLIC NOTICE

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, [**Name of Agency**] shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, in federally-funded vehicles, etc. ***The following Sample Public Notice is to be included as APPENDIX A- Title VI Notice to the Public; List of Locations, and displayed in your vehicles and facilities. Place Notice on agency letterhead:***

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

(Agency Name) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. If you need more information or feel you are being denied participation in or being denied benefits of the transit services provided by ***(Agency Name)***, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

Name

Title

Agency Name

Address

City, State Zip code

Telephone Number

Email address

As part of Title VI requirements, sub-recipients are also required to maintain a list of locations where their Title VI Notices have been posted or displayed. This list is to be included as part of APPENDIX A - Title VI Notice to the Public; List of Locations.

TITLE VI COMPLAINT PROCEDURES

REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM

To comply with the reporting requirements established in 49 CFR Section 21.9(b), **[Name of Agency]** shall develop procedures for investigating and tracking Title VI complaints filed against us and will make these procedures for filing a complaint available to members of the public. **[Name of Agency]** has also developed a Title VI complaint form. The form and procedure for filing a complaint are available on the **[Name of Agency]** website and at their facilities.

Sample of Narrative

Any individual may exercise his or her right to file a complaint with **[Name of Agency]** if that person believes that he or she have been subjected to unequal treatment or discrimination in the receipt of benefits or services. We will report the complaint to MTA within three business days (per MTA requirements), and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures. All Title VI complaints and their resolution will be logged and reported annually (in addition to immediately) to MTA.

A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th floor – TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.

[Name of Agency] includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

[Name of Agency] is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in the Federal Transit Administration (FTA) Circular 4702.1B. For additional information on [Name of Agency]'s nondiscrimination policies and procedures, or to file a complaint, please visit the website at _____ or contact (name, title and mailing address of the Title VI Manager).

Instructions for filing Title VI complaints are posted on the agency's website and in posters on the interior of each vehicle operated in passenger service and agency's facilities, and are also included within **[Name of Agency]'s [passenger policies/ride guide/Other]** brochure.

A copy of [Name of Agency's] Title VI Complaint Form is attached as APPENDIX B.

SAMPLE – COMPLAINT FORM



Central Maryland Regional Transit

TITLE VI COMPLAINT FORM

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				
_____ _____ _____				
Section IV				
Have you previously filed a Title VI complaint with this agency?			Yes	No
Section V				
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?				
<input type="checkbox"/> Yes <input type="checkbox"/> No				

312 Marshall Avenue, Suite 1000 - Laurel, MD 20707-4824 - Phone 240.581.5800 - www.cmrttransit.org

If yes, check all that apply:	
<input type="checkbox"/> Federal Agency: _____	
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____	<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name: _____	
Title: _____	
Agency: _____	
Address: _____	
Telephone: _____	
Section VI	
Name of agency complaint is against: _____	
Contact person: _____	
Title: _____	
Telephone number: _____	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature Date

Please submit this form in person at the address below, or mail this form to:
CMRT Title VI Coordinator
312 Marshall Ave., Suite 1000
Laurel, MD 20707

Procedures for Handling and Reporting Investigations/Complaints and Lawsuits

Instructions for filing Title VI complaints are posted on the agency's website and provided below. Should any Title VI investigations be initiated by FTA or MTA, or any Title VI lawsuits are filed against **[Name of Agency]** the agency will follow these procedures:

Procedures

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Title VI Manager.

The complaint is to be filed in the following manner:

- a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
 - b. The complaint should include:
 - the complainant's name, address, and contact information (i.e., telephone number, email address, etc.)
 - the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance)
 - a description of the alleged act of discrimination
 - the location(s) of the alleged act of discrimination (include vehicle number if appropriate)
 - an explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin
 - if known, the names and/or job titles of those individuals perceived as parties in the incident
 - contact information for any witnesses
 - indication of any related complaint activity (i.e., was the complaint also submitted to MTA or FTA?)
 - c. The complaint shall be submitted to the Title VI Manager at **[insert mailing address]** and or **[email address]**.
 - d. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager.
2. Upon receipt of the complaint, the Title VI Manager will immediately:
 - a. notify MTA (no later than 3 business days from receipt)
 - b. notify **[Name of Agency]** Authorizing Official
 - c. ensure that the complaint is entered in the complaint database.
 3. Within 3 business days of receipt of the complaint, the Title VI Manager will contact the complainant by telephone to set up an interview.

4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
5. If MTA has assigned staff to assist with the investigation, the Title VI Manager will offer an opportunity to participate in the interview.
6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
7. The Title VI Manager will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
8. The investigation may also include:
 - a. investigating contractor operating records, policies, or procedures
 - b. reviewing routes, schedules, and fare policies
 - c. reviewing operating policies and procedures
 - d. reviewing scheduling and dispatch records
 - e. observing behavior of the individual whose actions were cited in the complaint.
9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
10. The Title VI Manager will contact the complainant after the investigation (but prior to writing the final report) and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
11. After the investigation and **within 60 days** of the interview with the complainant, the Title VI Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the Authorizing Official, the MTA, and if appropriate our legal counsel.
12. The Title VI Manager will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to MTA in the event the complainant wishes to appeal the determination. This letter will be copied to MTA.
13. A complaint may be dismissed for the following reasons:
 - a. the complainant requests the withdrawal of the complaint
 - b. an interview cannot be scheduled with the complainant after reasonable attempts
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint

TRANSPORTATION-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

Background

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to MTA every three years and information shall be provided to MTA quarterly and annually.

The sample below is provided for the purposes of tracking and documenting your civil rights (Title VI, EEO and ADA) investigations, lawsuits and/or complaints. It may be modified but must include all essential elements contained in the sample, and it may not be used to replace the agency's Complaint Form. Provide your list/log as APPENDIX C.

SAMPLE List of Investigations, Lawsuits, and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) taken
Investigations				
1.				
Lawsuits				
1.				
Complaints				
1.				

SEE APPENDIX C- Investigations, Lawsuits, and Complaints Document

PUBLIC OUTREACH AND INVOLVEMENT - Public Participation Plan

Introduction

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that [Name of Agency] utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and limited English proficient (LEP) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Under federal regulations, transit operators must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include: public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time.

[Name of Agency] established a public participation plan or process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

[Name of Agency] will make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities may include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in our decision-making process.

NOTE: FTA has developed a Circular, 4703.1, “Environmental Justice Policy Guidance for Federal Transit Administration Recipients,” that includes many examples of effective strategies for engaging minority and low-income populations. FTA Chap. III-5 FTA C 4702.1B encourages recipients to review that Circular for ideas when developing their public engagement strategy.

A sample of effective public outreach practices follows. It is possible that a private non-profit agency may not have to employ many or any of these practices, but you must document this if such is the case.

A SAMPLE OF EFFECTIVE PUBLIC OUTREACH PRACTICES INCLUDE:

- a. Determining and identifying what meetings and program activities lend themselves to client public participation.
- b. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- c. Employing different meeting sizes and formats.
- d. Coordinating with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- e. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- f. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

****ADD HERE** ADDITIONAL OUTREACH METHODS TO ENGAGE MINORITY AND LEP POPULATIONS**

SEE APPENDIX D-Summary of Outreach Efforts

You will submit as part of APPENDIX D-Public Participation Plan a summary of the public outreach activities your organization has participated over the past year(s) which may include the specific practices above and/or others your agency has been engaged in.

ACCESS FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS

LANGUAGE ASSISTANCE PLAN (LAP)

THIS LAP IS TO BE INCLUDED AS APPENDIX E

LANGUAGE ASSISTANCE PLAN TEMPLATE

AGENCY NAME

LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

[If you are part of a city or county government, you may have general procedures in place for serving LEP persons. The model provided below is designed to address FTA-specific requirements.]

Introduction and Legal Basis

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13116, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English. The following LEP language implementation plan, developed by **[Name of Agency]** is based on FTA guidelines.

As required, **[Name of Agency]** developed a written LAP Plan (below). Using 2010 and American Community Survey (ACS) Census data, **[Name of Agency]** has evaluated data to determine the extent of need for translation services of its vital documents and materials.

LEP persons can be a significant market for public transit, and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

Assessment of Needs and Resources

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

Factor 1: **Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population**

The agency has reviewed census data on the number of individuals in its service area that have limited English Proficiency, as well as the languages they speak.

U.S. Census Data – American Community Survey (2011-2015)

Data from the U.S. Census Bureau’s American Community Survey (ACS) were obtained through www.census.gov by [Name of Agency]’s service area. The agency’s service area includes a total of [insert number and percent of total population] persons with Limited English Proficiency (those persons who indicated that they spoke English “not well,” and “not at all” in the 2011-2015 ACS Census).

Information from the 2011-2015 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

• Spanish	[Number]	[Percent]
• Other Indo-European languages	[Number]	[Percent]
• Asian and Pacific Island languages	[Number]	[Percent]
• All Other languages	[Number]	[Percent]

[Note: if any of these categories represents over 5% or 1,000 persons whichever is less, you should explore the individual languages in the category to determine whether any specific language meets this threshold]

It is noted that there are relatively low number of LEP persons in the service area - no language is spoken by over 5% or a total of 1,000 persons in the LEP population.

Factor 2: Assessment of Frequency with Which LEP Individuals Come into Contact with the Transit Services or System

[Name of Agency] reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP persons have come into contact with these functions through **[one or more of]** the following channels:

- Contact with transit vehicle operators;
- Contact with transit station managers;
- Calls to **[Name of Agency]**'s customer service telephone line;
- Visits to the agency's headquarters;
- Access to the agency's website;
- Attendance at community meetings or public hearings hosted by **[Name of Agency]**;
- Contact with the agency's ADA complementary paratransit system (including applying for eligibility, making reservations, and communicating with drivers).

[Provide a summary of findings based on relevant (if anecdotal) information from agency staff, including the LEP persons' native language, how successful the agency has been in communicating with LEP persons, and common questions directed to the agency by LEP persons. Also, review any available records on the number of hits it receives on its non-English web pages or requests for interpreters at public meetings or results of ridership surveys that capture the experiences of LEP persons.]

We will continue to identify emerging populations as updated Census and American Community Survey data become available for our service area. In addition, when LEP persons contact our agency, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact.

To assist in language identification, we use a language identification flashcard based on that which was developed by the U.S. Census. (<http://www.lep.gov/ISpeakCards2004.pdf>)

Information from Community Organizations that Serve LEP Persons

To supplement the Census, education, and labor department data, **[Name of Agency]** conducted community outreach to the following organizations that work with LEP populations.

[List those contacted, which may include any of the following: School systems; Community organizations; State and local governments; Religious organizations; Legal aid entities.]

[Note: Describe method of contact (telephone interviews, written or online surveys, outreach presentation at the organization, community meetings, etc.) and information obtained.]

Factor 3: Assessment of the Nature and Importance of the Transit Services to the LEP Population

[Name of Agency] provides the following programs, activities, and services:

[List and describe.]

Based on past experience serving and communicating with LEP persons and interviews with community agencies, *[as well as questionnaires or direct consultations with LEP persons (if applicable, e.g. through focus groups or individual interviews facilitated/interpreted by a community agency)]*, we learned that the following services/routes/programs are currently of particular importance LEP persons in the community.

[List these; identify particular routes, or modes.]

The following are the most critical services provided by **[Name of Agency]** for all customers, including LEP persons.

- Safety and security awareness instructions
- Emergency evacuation procedures
- Public transit services, including reduced fare application process
- ADA paratransit services (if your agency operates fixed-route), including eligibility certification process
- Other paratransit services
- Services targeted at low income persons
- *[any other critical services]*
-

Factor 4: Assessment of the Resources Available to the Agency and Costs

Costs

The following language assistance measures are currently being provided by **[Name of Agency]**

- *[List these along with associated costs. Include costs associated with translating documents, contracting with language interpreters, producing pictographs, installing multilingual technology, and other language assistance measures your agency is taking or plans to implement.]*
- *Also, estimate the number of staff and percentage of staff time that is associated with providing language assistance.]*

We anticipate that these activities and costs may increase as follows. ***[Describe.]***

Based on the analysis of demographic data and contact with community organizations and LEP persons, **[Name of Agency]** has determined that additional services may be needed to provide meaningful access.

Resources

The available budget that could be devoted to additional language assistance expenses is **[actual dollars and/or percentage]**. This amount is likely to *[be stable/decrease/increase]* over time.

[Name of Agency] has also requested the following additional grant funding for language assistance: **[Describe if applicable.]**

In addition, in-kind assistance may be available through *[community organizations, other city or county departments, other transit agencies who may be able to partner for language assistance services]*.

Your agency may have access to language assistance products that have been developed and paid for by local, regional, or state government agencies and may also have bilingual staff that could provide language assistance on an ad hoc or regular basis. These resources should be inventoried and taken into consideration as part of your assessment of total resources available.

Your agency may already have, or be able to establish arrangements with qualified community volunteers to provide written or oral language translation. Although these volunteers may be willing to provide their services free of charge, your agency will need to verify that they can provide competent interpretation service and train them on their role within the agency. These should be inventoried as potential or confirmed resources.

Other potential cost saving measures includes telephonic and video conferencing interpretation services, translating vital documents posted on Web sites, pooling resources, and standardizing documents to reduce translation needs, centralizing interpreter and translator services to achieve economies of scale.]

Feasible and Appropriate Language Assistance Measures

Based on the available resources, the following language assistance measures are feasible and appropriate for our agency at this time:

- **[List.]**

LEP Implementation Plan

Through the four-factor analysis, **[Name of Agency]** has determined that the following types of language assistance are most needed and feasible:

[List types of assistance. For example:

- ***Translation of vital documents into Spanish. These documents include:***
 - *System Map and Ride Guide*
 - *Application for reduced fare*
 - *All printed materials on ADA Paratransit, including brochure, eligibility application package, and passenger policies and procedures*
 - *Emergency preparedness brochure*
- ***Attempt to hire bilingual staff with competency in spoken and written (Spanish, Vietnamese, etc. as appropriate for your service area).***
- ***Language Line Translation Services for telephone contacts.***
- ***In-person translation for ADA eligibility assessments.***

Staff Access to Language Assistance Services

Agency staffs who come into contact with LEP persons can access language services by *[describe procedures, such as offering the individual a language identification flashcard, having a supply of translated documents on hand, transferring a call to bilingual staff, having a telephone menu allowing the customer to pre-select their language]*. All staff will be provided with a list of available language assistance services and additional information and referral resources (such as community organizations which can assist LEP persons). This list will be updated at least annually.

Responding to LEP Callers

Staff who answer calls from the public respond to LEP customers as follows: *[describe, indicate language translation line if used, availability of bilingual staff. Include trip scheduling procedures for LEP persons]*.

Responding to Written Communications from LEP Persons

The following procedures are followed when responding to written communications from LEP persons: *[describe, indicate language translation services if used, availability of bilingual staff]*.

Responding to LEP Individuals in Person

The following procedures are followed when an LEP person visits our customer service and administrative office: *[describe, indicate use of language identification flashcard if needed, availability of bilingual staff, use of language translation services if appropriate].*

The following procedures are followed by operators when an LEP person has a question on board a [Name of Agency] vehicle: *[describe, indicate use of language identification flashcard if needed, availability of bilingual operating staff, availability of translated information on board vehicles, referral to telephone assistance, volunteer translation assistance from fellow passengers, etc.].*

Staff Training

As noted previously, all [Name of Agency] staff is provided with a list of available language assistance services and additional information and referral resources, updated annually.

All new hires receive training on assisting LEP persons as part of their sensitivity and customer service training. This includes:

- A summary of the transit agency's responsibilities under the DOT LEP Guidance;
- A summary of the agency's language assistance plan;
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
- A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
- A description of the agency's cultural sensitivity policies and practices.

Also, all staff who routinely come into contact with customers, as well as their supervisors and all management staff, receive [annual] refresher training on policies and procedures related to assisting LEP persons.

[Describe addition training courses or resources provided to staff, such as tuition assistance for language courses at a local community college, training manuals/CDs/DVDs/online courses available to staff, instruction in basic phrases needed in the operating environment, etc.]

Providing Notice to LEP Persons

LEP persons are notified of the availability of language assistance through the following approaches: *[List items such as:*

- *following our Title VI policy statement included on our vital documents.*
- *on our website, with links to translations of vital documents in other languages.*
- *through signs posted on our vehicles and in our customer service and administrative offices.*
- *through ongoing outreach efforts to community organizations, schools, and religious organizations.*
- *use of an automated telephone menu system in the most common languages encountered.*
- *including the LOTS' language translation line on all materials.*
- *staffing a table with bilingual staff at community service events of interest to LEP groups.*
- *sending translated news releases and public service announcements about the availability of translated information to newspapers and broadcast media that target local LEP communities.]*

LEP persons will also be included in all community outreach efforts related to service and fare changes.

Language Access Complaint Procedure

(Note, your Title VI Complaint Form and Procedure can be used for LEP/LAP complaints as long as your Title VI Complaint Form and Procedure acknowledges and accepts LEP/LAP complaints as separate and distinct from Title VI).

(To be included as an attachment to LAP)

You may file a complaint with the Agency Title VI Manager if you believe you have been denied the benefits of this Plan. You must file your written complaint within _____ of the alleged denial. Submit the written complaint to:

- Name of Title VI Manager:
- Agency Name:
- Business Address:
- City, State Zip:
- Email Address:

Monitoring/Updating the Plan

This plan will be updated on a periodic basis (at least every three years), based on feedback, updated demographic data, and resource availability.

As part of ongoing outreach to community organizations, **[Name of Agency]** will solicit feedback on the effectiveness of language assistance provided and unmet needs. In addition, we will conduct periodic *[surveys, focus groups, community meetings, internal meetings with staff who assist LEP persons, review of updated Census data, formal studies]* of the adequacy and quality of the language assistance provided, and determine changes to LEP needs.

Based on the feedback received from community members and agency employees, **[Name of Agency]** will make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore **[Name of Agency]** will attempt to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge, **[Name of Agency]** will strive to address the needs for additional language assistance.

MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

[Name of Agency] has transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which we select.

1. Please provide a description of your selection process, including recruitment efforts made to encourage the participation of minorities on such committee(s)
2. Please provide a table(s) depicting the racial breakdown of the membership of those committees

The Sample below is provided for the purposes of guidance only

Committee	Black or African American	White/ Caucasian	Latino/ Hispanic	American Indian or Alaska Native	Asian	Native Hawaiian or other Pacific Islander	Other <i>*Note</i>	Totals
Citizens Advisory Committee (CAC)	7	6	0	0	0	0	2	15
% of CAC Committee	46.6	40.0	0	0	0	0	13.3	99.9
Citizens Advisory Committee on Accessible Transportation (CACAT)	8	5	0	0	0	0	1	14
% of CACAT Committee	57.0	35.7	0	0	0	0	7.0	99.7

**Note – Other races reported: Lithuania, Ukrainian, and Polish*

SEE APPENDIX F- TABLE MINORITY REPRESENTATION ON COMMITTEES BY RACE

VIII. REQUIREMENTS OF TRANSIT PROVIDERS

REQUIREMENTS AND GUIDELINES FOR FIXED ROUTE TRANSIT PROVIDERS

The requirements apply to all providers of fixed route public transportation (also referred to as transit providers) that receive Federal financial assistance, inclusive of States, local and regional entities, and public and private entities.

Transit providers that are sub recipients will submit the information to their primary recipient (the entity from whom they directly receive transit funds) every three years on a schedule determined by the primary recipient. The requirements are scaled based on the size of the fixed route transit provider.

REQUIRED: Service Standards and Policies

- **Service Standards**
 - Vehicle load, Vehicle headway, On-time performance, Service availability
- **Service Policies**
 - Transit amenities, Vehicle assignment

[Name of Agency] is required to plan and deliver transportation services in an equitable manner. This means the distribution of service levels and quality is to be equitable between minority and low income populations and the overall population. **[Name of Agency]** has reviewed its services and policies to ensure that those services and benefits are provided in an equitable manner to all persons.

Service Standards

The agency has set standards and policies that address how services are distributed across the transit system service area to ensure that that distribution affords users equitable access to these services. As shown in the following maps, the agency's routes **[explain how routes service low income and minority areas]**. The agency's demand responsive services are available to all callers on a first-come first service basis, without regard for race, color or national origin.

The following system-wide service standards are used to guard against service design or operations decisions from having disparate impacts. **[sample standards are presented below]**. All of **[Name of Agency]**'s services meet the agency's established standards; thus, it is judged that services are provided equitably to all persons in the service area, regardless of race, color or national origin.

- **Vehicle load** -Vehicle load is expressed as the ratio of passengers to the total number of seats on a vehicle at its maximum load point. The standard for maximum vehicle load is *[insert standard]*, all of *[Name of Agency's]* services meet this standard.
- **Vehicle headway** -Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given route. A shorter headway corresponds to more frequent service. The standard for vehicle headways is *[insert standard]*, all of *[Name of Agency's]* services meet these standard.
- **On-time performance** -On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” The standard for on-time performance is *[insert standard]*, all of *[Name of Agency's]* services meet this standard.
- **Service availability** - Service availability is a general measure of the distribution of routes within a transit provider’s service area or the span of service. The standard for service availability is *[insert standard]* all of *[Name of Agency's]* services meet this standard.

Service and Operating Policies

The *[Name of Agency's]* service and operating policies also ensure that operational practices do not result in discrimination on the basis of race, color, or national origin.

- **Distribution and Siting of Transit Amenities** -Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. *[Name of Agency]* has a policy to ensure the equitable distribution of transit amenities across the system. This policy applies to seating (i.e., benches, seats), bus shelters and canopies, (c) provision of information, Intelligent Transportation Systems (ITS), waste receptacles (including trash and recycling). Passenger amenities are sited based on *[insert process]*.
- **Vehicle assignment** - Vehicle assignment refers to the process by which transit vehicles are placed into service and on routes throughout the system. *[Name of Agency]* assigns vehicles with the goal of providing equitable benefits to minority and low income populations. Vehicles are assigned with regard to service type (fixed-route, demand-response, or a hybrid type) and ridership demand patterns (routes with greater numbers of passengers need vehicles with larger capacities). For each type of assignment, newer vehicles are rotated to ensure that no single route or service always has the same vehicle. The *[Title of individual(s) responsible for Title VI compliance in service delivery]* reviews vehicle assignments on a monthly basis to ensure that vehicles are indeed being rotated and that no single route or service always has the old or new vehicles.
[Insert your process Note: Policies for vehicle assignment could be based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider may set a policy to assign vehicles to routes so that the age of the vehicles on each route does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to

assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, a transit provider may set a policy to assign specific types of vehicles to express or commuter service. Transit providers deploying vehicles equipped with technology designed to reduce emissions could choose to set a policy for how these vehicles will be deployed throughout the service area]

Monitoring Title VI Complaints

As part of the complaint handling procedure, the Title VI Manager investigates possible inequities in service delivery for the route(s) or service(s) about which the complaint was filed. Depending on the nature of the complaint, the review examines span of service (days and hours), frequency, routing directness, interconnectivity with other routes and/or fare policy. If inequities are discovered during this review, options for reducing the disparity are explored, and service or fare changes are planned if needed.

In addition to the investigation following an individual complaint, the Title VI Manager periodically reviews all complaints received to determine if there may be a pattern. At a minimum, this review is conducted as part of preparing the annual grant application (ATP) for submission to the MTA.

Fare and Service Changes

[Name of Agency] follows its adopted written policy for the public comment process for major service reductions and fare increases. With each proposed service or fare change, *[Name of Agency]* considers the relative impacts on, and benefits to, minority and low income populations, including LEP populations. All planning efforts for changes to existing services or fares, as well as new services, have a goal of providing equitable service. *[If you receive S.5311: This analysis is also conducted for service and fare changes planned for in the agency's Transportation Development Plan].*

Reference Guide of Languages Spoken by LEP Individuals by County

This attachment is based on an appendix the Maryland Department of Transportation Limited English Proficiency (LEP) Program / Language Assistance Plan (LAP), for which an update is currently under way.

This attachment includes tables identifying all the languages spoken by limited English proficiency (LEP) individuals in each county in Maryland, based on American Community Survey 2011-2015 data.¹ Data were updated February 2017 for MDOT. The data in these tables represent the population ages 5 and over, for which LEP data was available.

¹ Table B16001: LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER.

Allegany County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	385	0.55%	45.7%
Chinese	105	0.15%	12.47%
Russian	64	0.09%	7.60%
Greek	54	0.08%	6.41%
Korean	39	0.06%	4.63%
French (incl. Patois, Cajun)	37	0.05%	4.39%
African languages	32	0.05%	3.80%
Polish	27	0.04%	3.21%
Serbo-Croatian	22	0.03%	2.61%
Other Asian languages	14	0.02%	1.66%
Japanese	14	0.02%	1.66%
Other Pacific Island languages	11	0.02%	1.31%
Hebrew	11	0.02%	1.31%
Portuguese or Portuguese Creole	10	0.01%	1.19%
Other Indic languages	8	0.01%	0.95%
Vietnamese	6	0.01%	0.71%
Italian	3	0.004%	0.36%
Total LEP Population	842	1.20%	100.00%
Total County Population	70,132	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Anne Arundel County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	9,852	1.89%	53.06%
Korean	1,557	0.30%	8.39%
Tagalog	863	0.17%	4.65%
Other Indic languages	794	0.15%	4.28%
Vietnamese	687	0.13%	3.70%
Chinese	673	0.13%	3.62%
Other Asian languages	377	0.07%	2.03%
African languages	348	0.07%	1.87%
Urdu	321	0.06%	1.73%
German	317	0.06%	1.71%
French (incl. Patois, Cajun)	315	0.06%	1.70%
Arabic	280	0.05%	1.51%
Hindi	271	0.05%	1.46%
Other and unspecified languages	215	0.04%	1.16%
Russian	181	0.03%	0.97%
Polish	156	0.03%	0.84%
Gujarati	151	0.03%	0.81%
French Creole	139	0.03%	0.75%
Portuguese or Portuguese Creole	137	0.03%	0.74%
Italian	129	0.02%	0.69%
Mon-Khmer, Cambodian	122	0.02%	0.66%
Thai	108	0.02%	0.58%
Other Pacific Island languages	108	0.02%	0.58%
Other Indo-European languages	83	0.02%	0.45%
Greek	78	0.02%	0.42%
Other Slavic languages	72	0.01%	0.39%
Serbo-Croatian	60	0.01%	0.32%
Japanese	58	0.01%	0.31%
Persian	41	0.01%	0.22%
Other West Germanic languages	40	0.01%	0.22%
Hebrew	34	0.01%	0.18%
Total LEP Population	18,567	3.57%	100.00%
Total County Population	519,917	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Baltimore County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	13,527	1.75%	35.00%
Russian	3,654	0.47%	9.45%
Chinese	3,504	0.45%	9.07%
Korean	2,429	0.31%	6.28%
African languages	1,766	0.23%	4.57%
Tagalog	1,740	0.23%	4.50%
Other Indic languages	1,587	0.21%	4.11%
Urdu	1,387	0.18%	3.59%
Other Asian languages	1,209	0.16%	3.13%
Vietnamese	1,204	0.16%	3.11%
French (incl. Patois, Cajun)	883	0.11%	2.28%
Arabic	816	0.11%	2.11%
Gujarati	756	0.10%	1.96%
Persian	673	0.09%	1.74%
Hindi	482	0.06%	1.25%
Greek	410	0.05%	1.06%
Italian	408	0.05%	1.06%
Polish	291	0.04%	0.75%
Other Slavic languages	260	0.03%	0.67%
Other Indo-European languages	252	0.03%	0.65%
Other Pacific Island languages	208	0.03%	0.54%
Hebrew	192	0.02%	0.50%
Japanese	177	0.02%	0.46%
German	176	0.02%	0.46%
Portuguese or Portuguese Creole	139	0.02%	0.36%
French Creole	135	0.02%	0.35%
Serbo-Croatian	95	0.01%	0.25%
Other and unspecified languages	65	0.01%	0.17%
Thai	65	0.01%	0.17%
Yiddish	45	0.01%	0.12%
Laotian	31	0.00%	0.08%

ATTACHMENT 13.B.1

Hmong	28	0.00%	0.07%
Armenian	25	0.00%	0.06%
Other Native North American languages	14	0.00%	0.04%
Scandinavian languages	8	0.00%	0.02%
Mon-Khmer, Cambodian	7	0.00%	0.02%
Other West Germanic languages	4	0.00%	0.01%
Total LEP Population	38,652	5.00%	100.00%
Total County Population	773,315	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Baltimore City			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	10,307	1.77%	51.43%
Chinese	1,136	0.20%	5.67%
French (incl. Patois, Cajun)	1,065	0.18%	5.31%
Other Indic languages	1,032	0.18%	5.15%
Korean	800	0.14%	3.99%
African languages	752	0.13%	3.75%
Arabic	585	0.10%	2.92%
Urdu	569	0.10%	2.84%
Russian	509	0.09%	2.54%
Tagalog	458	0.08%	2.29%
Greek	435	0.07%	2.17%
Vietnamese	272	0.05%	1.36%
Other Asian languages	253	0.04%	1.26%
Italian	223	0.04%	1.11%
Hindi	222	0.04%	1.11%
Other Indo-European languages	201	0.03%	1.00%
Portuguese or Portuguese Creole	188	0.03%	0.94%
Hungarian	175	0.03%	0.87%
Persian	166	0.03%	0.83%
Polish	159	0.03%	0.79%
German	84	0.01%	0.42%
Other Slavic languages	82	0.01%	0.41%
Hebrew	67	0.01%	0.33%
Japanese	57	0.01%	0.28%
Laotian	46	0.01%	0.23%
Other and unspecified languages	45	0.01%	0.22%
Serbo-Croatian	42	0.01%	0.21%
French Creole	23	0.00%	0.11%
Thai	21	0.00%	0.10%
Gujarati	20	0.00%	0.10%
Yiddish	18	0.00%	0.09%
Mon-Khmer, Cambodian	12	0.00%	0.06%
Other Pacific Island languages	9	0.00%	0.04%
Other West Germanic languages	6	0.00%	0.03%

ATTACHMENT 13.B.1

Total LEP Population	20,039	3.45%	100.00%
Total County Population	580,907	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Calvert County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	544	0.64%	47.55%
Other Indic languages	103	0.12%	9.00%
Other Slavic languages	85	0.10%	7.43%
French (incl. Patois, Cajun)	74	0.09%	6.47%
Other Indo-European languages	55	0.06%	4.81%
Chinese	49	0.06%	4.28%
Russian	47	0.06%	4.11%
German	43	0.05%	3.76%
Greek	32	0.04%	2.80%
Hungarian	24	0.03%	2.10%
Portuguese or Portuguese Creole	21	0.02%	1.84%
Korean	19	0.02%	1.66%
Japanese	17	0.02%	1.49%
Tagalog	12	0.01%	1.05%
Persian	10	0.01%	0.87%
Italian	9	0.01%	0.79%
Total LEP Population	1,144	1.35%	100.00%
Total County Population	85,049	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Caroline County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	1,010	3.30%	79.65%
French Creole	93	0.30%	7.33%
Italian	42	0.14%	3.31%
Chinese	34	0.11%	2.68%
Gujarati	24	0.08%	1.89%
Portuguese or Portuguese Creole	13	0.04%	1.03%
French (incl. Patois, Cajun)	12	0.04%	0.95%
Other Indic languages	10	0.03%	0.79%
Polish	9	0.03%	0.71%
Russian	7	0.02%	0.55%
Korean	7	0.02%	0.55%
Scandinavian languages	3	0.01%	0.24%
Greek	2	0.01%	0.16%
Serbo-Croatian	2	0.01%	0.16%
Total LEP Population	1,268	4.14%	100.00%
Total County Population	30,647	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Carroll County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	1,070	0.67%	51.74%
Russian	168	0.11%	8.12%
Tagalog	111	0.07%	5.37%
Other Indic languages	110	0.07%	5.32%
Korean	92	0.06%	4.45%
Chinese	75	0.05%	3.63%
German	69	0.04%	3.34%
Gujarati	69	0.04%	3.34%
Other Indo-European languages	54	0.03%	2.61%
French (incl. Patois, Cajun)	47	0.03%	2.27%
Portuguese or Portuguese Creole	43	0.03%	2.08%
Vietnamese	31	0.02%	1.50%
Other Asian languages	26	0.02%	1.26%
Urdu	25	0.02%	1.21%
Thai	18	0.01%	0.87%
Hindi	17	0.01%	0.82%
Other Slavic languages	15	0.01%	0.73%
Persian	14	0.01%	0.68%
Greek	9	0.01%	0.44%
Italian	5	0.00%	0.24%
Total LEP Population	2,068	1.30%	100.00%
Total County Population	159,218	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Cecil County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	446	0.46%	39.47%
Russian	119	0.12%	10.53%
Urdu	114	0.12%	10.09%
French (incl. Patois, Cajun)	54	0.06%	4.78%
Chinese	49	0.05%	4.34%
Other Asian languages	44	0.05%	3.89%
Other Indic languages	40	0.04%	3.54%
Tagalog	37	0.04%	3.27%
Other Slavic languages	36	0.04%	3.19%
Gujarati	34	0.04%	3.01%
Korean	28	0.03%	2.48%
Thai	26	0.03%	2.30%
Italian	23	0.02%	2.04%
Laotian	22	0.02%	1.95%
Hindi	20	0.02%	1.77%
Other Pacific Island languages	17	0.02%	1.50%
German	10	0.01%	0.88%
Japanese	6	0.01%	0.53%
Arabic	5	0.01%	0.44%
Total LEP Population	1,130	1.18%	100.00%
Total County Population	96,032	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Charles County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	1,385	0.96%	43.65%
Tagalog	266	0.19%	8.38%
Chinese	255	0.18%	8.04%
African languages	196	0.14%	6.18%
Vietnamese	173	0.12%	5.45%
Korean	152	0.11%	4.79%
Gujarati	103	0.07%	3.25%
Russian	94	0.07%	2.96%
Urdu	90	0.06%	2.84%
Japanese	69	0.05%	2.17%
Other West Germanic languages	59	0.04%	1.86%
Other Indic languages	52	0.04%	1.64%
German	50	0.03%	1.58%
Hindi	36	0.03%	1.13%
Other Pacific Island languages	35	0.02%	1.10%
French (incl. Patois, Cajun)	33	0.02%	1.04%
French Creole	29	0.02%	0.91%
Other Indo-European languages	28	0.02%	0.88%
Portuguese or Portuguese Creole	19	0.01%	0.60%
Italian	12	0.01%	0.38%
Greek	12	0.01%	0.38%
Other Asian languages	10	0.01%	0.32%
Scandinavian languages	8	0.01%	0.25%
Other Slavic languages	7	0.00%	0.22%
Total LEP Population	3,173	2.21%	100.00%
Total County Population	143,532	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Dorchester County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	573	1.88%	79.58%
Tagalog	31	0.10%	4.31%
Vietnamese	28	0.09%	3.89%
Gujarati	22	0.07%	3.06%
Polish	18	0.06%	2.50%
French Creole	14	0.05%	1.94%
Japanese	10	0.03%	1.39%
Thai	9	0.03%	1.25%
Greek	8	0.03%	1.11%
Other Asian languages	7	0.02%	0.97%
Total LEP Population	720	2.36%	100.00%
Total County Population	30,492	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Frederick County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	5,329	2.35%	54.46%
Other Asian languages	759	0.33%	7.76%
Chinese	582	0.26%	5.95%
Vietnamese	546	0.24%	5.58%
Russian	393	0.17%	4.02%
Korean	374	0.16%	3.82%
French (incl. Patois, Cajun)	189	0.08%	1.93%
Tagalog	183	0.08%	1.87%
Other Indo-European languages	138	0.06%	1.41%
Other Indic languages	124	0.05%	1.27%
Laotian	119	0.05%	1.22%
African languages	106	0.05%	1.08%
Portuguese or Portuguese Creole	104	0.05%	1.06%
Persian	97	0.04%	0.99%
Urdu	91	0.04%	0.93%
Thai	81	0.04%	0.83%
Other Slavic languages	79	0.03%	0.81%
Gujarati	79	0.03%	0.81%
German	59	0.03%	0.60%
Hindi	58	0.03%	0.59%
French Creole	55	0.02%	0.56%
Other Pacific Island languages	48	0.02%	0.49%
Greek	42	0.02%	0.43%
Polish	42	0.02%	0.43%
Arabic	41	0.02%	0.42%
Italian	34	0.01%	0.35%
Hungarian	14	0.01%	0.14%
Japanese	8	0.00%	0.08%
Serbo-Croatian	6	0.00%	0.06%
Other and unspecified languages	6	0.00%	0.06%
Total LEP Population	9,786	4.31%	100.00%
Total County Population	226,861	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Garrett County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Other West Germanic languages	179	0.63%	76.82%
Chinese	15	0.05%	6.44%
Spanish or Spanish Creole	11	0.04%	4.72%
German	11	0.04%	4.72%
Korean	11	0.04%	4.72%
Greek	6	0.02%	2.58%
Total LEP Population	233	0.82%	100.00%
Total County Population	28,359	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Harford County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	1,677	0.71%	37.33%
Korean	417	0.18%	9.28%
Chinese	330	0.14%	7.35%
Tagalog	277	0.12%	6.17%
Gujarati	253	0.11%	5.63%
Vietnamese	184	0.08%	4.10%
African languages	181	0.08%	4.03%
German	138	0.06%	3.07%
Other Asian languages	121	0.05%	2.69%
French (incl. Patois, Cajun)	107	0.05%	2.38%
Italian	107	0.05%	2.38%
Greek	95	0.04%	2.11%
Urdu	95	0.04%	2.11%
Thai	79	0.03%	1.76%
Polish	65	0.03%	1.45%
Other Indic languages	63	0.03%	1.40%
Other Indo-European languages	57	0.02%	1.27%
Arabic	56	0.02%	1.25%
Hindi	48	0.02%	1.07%
Portuguese or Portuguese Creole	36	0.02%	0.80%
Japanese	32	0.01%	0.71%
Persian	27	0.01%	0.60%
Other Slavic languages	24	0.01%	0.53%
Other Pacific Island languages	13	0.01%	0.29%
French Creole	10	0.00%	0.22%
Total LEP Population	4,492	1.91%	100.00%
Total County Population	234,856	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Howard County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Korean	5,613	1.96%	25.66%
Spanish or Spanish Creole	4,911	1.72%	22.45%
Chinese	3,169	1.11%	14.49%
Vietnamese	978	0.34%	4.47%
Other Asian languages	912	0.32%	4.17%
African languages	899	0.31%	4.11%
Urdu	721	0.25%	3.30%
Other Indic languages	689	0.24%	3.15%
Hindi	594	0.21%	2.72%
Gujarati	496	0.17%	2.27%
Tagalog	412	0.14%	1.88%
French Creole	338	0.12%	1.55%
Persian	312	0.11%	1.43%
Russian	267	0.09%	1.22%
Portuguese or Portuguese Creole	209	0.07%	0.96%
Japanese	205	0.07%	0.94%
French (incl. Patois, Cajun)	202	0.07%	0.92%
Armenian	138	0.05%	0.63%
German	133	0.05%	0.61%
Arabic	122	0.04%	0.56%
Thai	112	0.04%	0.51%
Italian	102	0.04%	0.47%
Other Indo-European languages	94	0.03%	0.43%
Other Slavic languages	70	0.02%	0.32%
Greek	50	0.02%	0.23%
Other Pacific Island languages	37	0.01%	0.17%
Polish	33	0.01%	0.15%
Other West Germanic languages	23	0.01%	0.11%
Other and unspecified languages	14	0.00%	0.06%
Yiddish	12	0.00%	0.05%
Other Native North American languages	6	0.00%	0.03%
Total LEP Population	21,873	7.65%	100.00%
Total County Population	285,949	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Kent County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	315	1.65%	84.45%
Portuguese or Portuguese Creole	23	0.12%	6.17%
French (incl. Patois, Cajun)	18	0.09%	4.83%
Chinese	11	0.06%	2.95%
Italian	6	0.03%	1.61%
Total LEP Population	373	1.96%	100.00%
Total County Population	19,036	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Montgomery County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	64,259	6.75%	46.77%
Chinese	16,351	1.72%	11.90%
African languages	8,840	0.93%	6.43%
Korean	7,294	0.77%	5.31%
Vietnamese	6,769	0.71%	4.93%
French (incl. Patois, Cajun)	5,752	0.60%	4.19%
Persian	2,963	0.31%	2.16%
Tagalog	2,952	0.31%	2.15%
Russian	2,905	0.31%	2.11%
Other Indic languages	2,649	0.28%	1.93%
Portuguese or Portuguese Creole	2,231	0.23%	1.62%
Other Asian languages	1,846	0.19%	1.34%
Japanese	1,308	0.14%	0.95%
Hindi	1,226	0.13%	0.89%
Arabic	1,079	0.11%	0.79%
Urdu	1,041	0.11%	0.76%
Greek	970	0.10%	0.71%
Gujarati	964	0.10%	0.70%
French Creole	925	0.10%	0.67%
Other Pacific Island languages	712	0.07%	0.52%
Thai	662	0.07%	0.48%
German	628	0.07%	0.46%
Italian	586	0.06%	0.43%
Other Slavic languages	345	0.04%	0.25%
Mon-Khmer, Cambodian	330	0.03%	0.24%
Other Indo-European languages	320	0.03%	0.23%
Polish	313	0.03%	0.23%
Armenian	307	0.03%	0.22%
Hebrew	241	0.03%	0.18%
Serbo-Croatian	203	0.02%	0.15%
Other and unspecified languages	91	0.01%	0.07%
Laotian	76	0.01%	0.06%
Hungarian	71	0.01%	0.05%
Other West Germanic languages	56	0.01%	0.04%
Other Native North American languages	49	0.01%	0.04%

ATTACHMENT 13.B.1

Scandinavian languages	45	0.00%	0.03%
Yiddish	19	0.00%	0.01%
Hmong	4	0.0004%	0.003%
Total LEP Population	137,382	14.44%	100.00%
Total County Population	951,302	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Prince George's County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	57,388	6.89%	69.81%
African languages	5,277	0.63%	6.42%
Chinese	3,380	0.41%	4.11%
French (incl. Patois, Cajun)	2,857	0.34%	3.48%
Tagalog	2,307	0.28%	2.81%
Korean	1,733	0.21%	2.11%
Vietnamese	1,455	0.17%	1.77%
French Creole	1,239	0.15%	1.51%
Other Indic languages	876	0.11%	1.07%
Other Asian languages	723	0.09%	0.88%
Other Indo-European languages	648	0.08%	0.79%
Urdu	520	0.06%	0.63%
Arabic	515	0.06%	0.63%
Hindi	489	0.06%	0.59%
Gujarati	359	0.04%	0.44%
Portuguese or Portuguese Creole	291	0.03%	0.35%
Other Pacific Island languages	267	0.03%	0.32%
German	235	0.03%	0.29%
Persian	225	0.03%	0.27%
Italian	212	0.03%	0.26%
Thai	204	0.02%	0.25%
Mon-Khmer, Cambodian	189	0.02%	0.23%
Russian	155	0.02%	0.19%
Japanese	153	0.02%	0.19%
Greek	99	0.01%	0.12%
Laotian	72	0.01%	0.09%
Serbo-Croatian	66	0.01%	0.08%
Hungarian	64	0.01%	0.08%
Polish	41	0.00%	0.05%
Other Slavic languages	39	0.00%	0.05%
Other and unspecified languages	35	0.00%	0.04%
Other West Germanic languages	32	0.00%	0.04%
Armenian	22	0.00%	0.03%
Other Native North American languages	18	0.00%	0.02%

ATTACHMENT 13.B.1

Scandinavian languages	11	0.00%	0.01%
Hebrew	11	0.00%	0.01%
Total LEP Population	82,207	9.87%	100.00%
Total County Population	833,068	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Queen Anne's County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	509	1.11%	71.29%
Tagalog	61	0.13%	8.54%
Korean	28	0.06%	3.92%
German	27	0.06%	3.78%
Italian	25	0.05%	3.50%
French (incl. Patois, Cajun)	21	0.05%	2.94%
Urdu	16	0.03%	2.24%
African languages	14	0.03%	1.96%
Chinese	12	0.03%	1.68%
Japanese	1	0.00%	0.14%
Total LEP Population	714	1.55%	100.00%
Total County Population	46,003	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

St. Mary's County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	825	0.81%	37.65%
Tagalog	344	0.34%	15.70%
Chinese	207	0.20%	9.45%
Other West Germanic languages	168	0.16%	7.67%
Gujarati	70	0.07%	3.19%
French (incl. Patois, Cajun)	68	0.07%	3.10%
German	56	0.05%	2.56%
Other Indo-European languages	56	0.05%	2.56%
Vietnamese	55	0.05%	2.51%
Japanese	45	0.04%	2.05%
Portuguese or Portuguese Creole	44	0.04%	2.01%
Hindi	42	0.04%	1.92%
Korean	39	0.04%	1.78%
Russian	38	0.04%	1.73%
Italian	32	0.03%	1.46%
Other Asian languages	31	0.03%	1.41%
Thai	19	0.02%	0.87%
Other Pacific Island languages	14	0.01%	0.64%
Urdu	12	0.01%	0.55%
African languages	11	0.01%	0.50%
Greek	10	0.01%	0.46%
Other Slavic languages	5	0.00%	0.23%
Total LEP Population	2,191	2.14%	100.00%
Total County Population	102,192	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Somerset County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	251	1.02%	40.61%
Other Asian languages	169	0.68%	27.35%
Chinese	47	0.19%	7.61%
Arabic	37	0.15%	5.99%
Vietnamese	32	0.13%	5.18%
Other Indic languages	18	0.07%	2.91%
Korean	17	0.07%	2.75%
Tagalog	13	0.05%	2.10%
Urdu	12	0.05%	1.94%
German	7	0.03%	1.13%
French (incl. Patois, Cajun)	6	0.02%	0.97%
Italian	5	0.02%	0.81%
Other Slavic languages	4	0.02%	0.65%
Total LEP Population	618	2.50%	100.00%
Total County Population	24,721	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Talbot County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	1,066	2.96%	79.26%
Chinese	71	0.20%	5.28%
Other Indic languages	54	0.15%	4.01%
Gujarati	45	0.12%	3.35%
German	35	0.10%	2.60%
Other Asian languages	21	0.06%	1.56%
Urdu	17	0.05%	1.26%
Tagalog	14	0.04%	1.04%
Other West Germanic languages	12	0.03%	0.89%
French (incl. Patois, Cajun)	7	0.02%	0.52%
Italian	3	0.01%	0.22%
Total LEP Population	1,345	3.73%	100.00%
Total County Population	36,030	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Washington County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	1,484	1.06%	48.53%
Chinese	302	0.21%	9.88%
Russian	179	0.13%	5.85%
French (incl. Patois, Cajun)	145	0.10%	4.74%
Other Asian languages	140	0.10%	4.58%
Korean	128	0.09%	4.19%
Vietnamese	116	0.08%	3.79%
German	97	0.07%	3.17%
Tagalog	65	0.05%	2.13%
Arabic	57	0.04%	1.86%
African languages	53	0.04%	1.73%
Italian	51	0.04%	1.67%
Urdu	47	0.03%	1.54%
Greek	41	0.03%	1.34%
Hindi	29	0.02%	0.95%
Hungarian	18	0.01%	0.59%
Serbo-Croatian	17	0.01%	0.56%
Gujarati	16	0.01%	0.52%
Other Slavic languages	15	0.01%	0.49%
Thai	15	0.01%	0.49%
Other and unspecified languages	15	0.01%	0.49%
Japanese	12	0.01%	0.39%
Persian	8	0.01%	0.26%
Other Pacific Island languages	6	0.00%	0.20%
Other West Germanic languages	2	0.00%	0.07%
Total LEP Population	3,058	2.18%	100.00%
Total County Population	140,528	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Wicomico County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	2,009	2.11%	38.43%
French Creole	1,467	1.54%	28.06%
Korean	710	0.75%	13.58%
Portuguese or Portuguese Creole	219	0.23%	4.19%
Vietnamese	136	0.14%	2.60%
Arabic	134	0.14%	2.56%
Urdu	107	0.11%	2.05%
Gujarati	102	0.11%	1.95%
Tagalog	97	0.10%	1.86%
Chinese	66	0.07%	1.26%
Russian	36	0.04%	0.69%
Other Asian languages	33	0.03%	0.63%
Greek	24	0.03%	0.46%
Other Indic languages	24	0.03%	0.46%
Thai	23	0.02%	0.44%
French (incl. Patois, Cajun)	22	0.02%	0.42%
German	11	0.01%	0.21%
Polish	7	0.01%	0.13%
Other Slavic languages	1	0.00%	0.02%
Total LEP Population	5,228	5.50%	100.00%
Total County Population	95,051	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

Worcester County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	172	0.35%	36.13%
Italian	103	0.21%	21.64%
Vietnamese	41	0.08%	8.61%
Greek	32	0.06%	6.72%
Chinese	28	0.06%	5.88%
Korean	26	0.05%	5.46%
Russian	16	0.03%	3.36%
Persian	15	0.03%	3.15%
Other Asian languages	14	0.03%	2.94%
French (incl. Patois, Cajun)	7	0.01%	1.47%
German	7	0.01%	1.47%
Armenian	6	0.01%	1.26%
Tagalog	5	0.01%	1.05%
Arabic	4	0.01%	0.84%
Total LEP Population	476	0.97%	100.00%
Total County Population	49,258	100.00%	

Safe Harbor Provision threshold is 5% population or 1,000 persons, whichever is less.

EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PROCEDURES

This policy template addresses the basic requirements that all LOTS must meet in developing their required EEO policy.

Organizations which meet FTA thresholds for a formal EEO program have more extensive requirements that are not addressed in this template. If your organization has 100 or more transportation-related employees **and** requests or receives more than \$1 million in FTA capital or operating assistance or more than \$250,000 in FTA planning assistance in the fiscal year, contact MTA for additional guidance.

Name of Organization
Address of Organization
State of Organization

Date

Name/Signature of EEO Officer

Date

Name/Signature of Head of Organization

Date

TABLE OF CONTENTS

Required for **all LOTS**

- A. EEO Policy Statement
- B. Dissemination
- C. Complaint Procedure
- D. Designation of Personnel Responsibilities

Required **only for those LOTS with 50 or more employees that receive more than \$1 million in FTA capital or operating assistance or more than \$250,000 in FTA planning assistance in the fiscal year:**

- E. Assessment of Employment Practices
- F. Monitoring and Reporting System

A. EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

This document:

- Is a signed and dated EEO policy statement issued by the Chief Executive Officer/General Manager, or equivalent (CEO/GM), regarding the organization's commitment to EEO for all persons.
- Expresses the agency's commitment that all employment actions, including but not limited to recruitment or recruitment advertising, hiring, upgrading, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay or other forms of compensation, use of facilities, and treatment of employees will be administered without regard to race, color, religion, national origin, sex (including gender identity and sexual orientation), age, genetic information, disability, veteran status, or other protected class.
- States that applicants and employees have the right to file complaints alleging discrimination with the EEO Officer or office
- States that all management and supervisory personnel share in the responsibility.
- Provides the name and contact information for the EEO Officer.

The FTA has developed the following sample EEO Policy Statement for its grantees:

[Agency Name] has a strong commitment to the community we serve and our employees. As an equal opportunity employer, we strive to have a workforce that reflects the community we serve. No person is unlawfully excluded from employment opportunities based on race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class.

[Agency Name] Equal Employment Opportunity (EEO) policy applies to all employment actions, including but not limited to, recruitment, hiring, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay or other forms of compensation.

All applicants and employees have the right to file complaints alleging discrimination. Retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in protected activity is strictly prohibited and will not be tolerated.

[Agency Name] is committed to providing reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.

As [Agency Name]'s [President, General Manager/CEO, Executive Director], I maintain overall responsibility and accountability for [Agency Name]'s compliance with its EEO Policy and Program. To ensure day-to-day management, including program preparation, monitoring, and complaint investigation, I have appointed [Name, title and contact information] as [Agency Name]'s EEO Officer. [Name] will report directly to me and acts with my authority with all levels of management, labor unions, and employees.

All [Agency Name] executives, management, and supervisory personnel, however, share in the responsibility for implementing and monitoring [Agency Name]'s EEO Policy and Program within their respective areas and will be assigned specific tasks to ensure compliance is achieved. [Agency Name] will evaluate its managers' and supervisors' performance on their successful implementation of [Agency

[Name]'s policies and procedures, in the same way [Agency Name] assesses their performance regarding other agency's goals.

[Agency Name] is committed to undertaking and developing a written nondiscrimination program that sets forth the policies, practices and procedures, with goals and timetables, to which the agency is committed and make the EEO Program available for inspection by any employee or applicant for employment upon request.

I am personally committed to a workplace that acts upon its daily responsibility to treat all applicants and employees with dignity and respect, as well as equitably under the guidelines of our EEO Policy and Program.

Signature

Date

[President, General Manager/CEO, Executive Director]

A. EEO POLICY DISSEMINATION**➤ Internally**

[Agency Name] communicates the existence of its EEO policy to employees, applicants and potential applicants by:

- Providing written communications from the CEO/GM
- Posting official EEO materials (e.g., Federal and state labor laws poster(s)) and the agency's policy statement on bulletin boards, near time clocks, in employees' break rooms, and in the employment/personnel office
- Including the EEO policy statement in the agency's personnel and operations manual, employee handbooks, reports and manuals
- Meeting with top management officials (e.g., bus operations, human resources, planning, marketing, etc.) at least semiannually to discuss the EEO program and its implementation
- Meeting with employees of protected classes and affinity groups to seek input on the program implementation
- Conducting periodic EEO training for employees and for managers
- Conducting EEO training for all new supervisors or managers within 90 days of their appointment
- Including the policy statement in employee orientation materials and requiring new employees to sign a form acknowledging they have read and understand the policy.
- Documenting dissemination efforts by maintaining agendas and sign-in sheets for meetings conducted when the EEO policy and its implementation are explained.

➤ Externally

[Agency Name] communicates the existence of its EEO policy externally by:

- Including the EEO policy with outreach and/or advertising to recruitment sources, local media sources (newspapers, etc.), in agency's webpage or other electronic media (Facebook, etc.)
- Stating that the agency "is an equal employment opportunity employer" on all recruitment ads (e.g., newspapers, magazines, websites, and social media)

B. EEO COMPLAINT PROCEDURE

All employees and applicants have the right to file complaints alleging discrimination on the basis of race, color, creed, national origin, sex, age or disability, regardless of whether the agency has a formal EEO Program (as required for larger organizations). Subrecipients should have procedures in place for receiving, processing and handling such complaints. All EEO complaints must be reported to MTA.

[Agency Name]'s procedure for handling EEO employment complaints is as follows:

Insert details of your Agency's EEO procedures for receiving, processing and handling EEO complaints.

Attach a copy of your EEO complaint form (an example is attached).

SAMPLE – EMPLOYMENT DISCRIMINATION COMPLAINT FORM

For Use by [Agency Name] EEO Office _____ vs. _____
Date Received: _____
Investigator Assigned: _____

[Agency Logo]
[Agency Name]
Office of [Human Resources, Employment, etc.]
[Contact information for EEO Officer]

Contact information*:

Last Name: _____ First: _____ M.I.: _____

Home Address: _____

City: _____ State: _____ Zip Code: _____

Home Telephone (____) _____

Office Telephone (____) _____

*Please notify the [Agency Name] EEO Officer of any changes of address and telephone number during the period of the investigation.

Title: _____ Unit/Dept.: _____

Supervisor/Manager's Name: _____

Name of person or department you believe discriminated against you: _____

What is the basis of the alleged discrimination? (Circle only those that apply to your complaint)

Age	Marital Status	Ancestry	Genetic Information
Color	Race	Creed	Religion
Disability	Sex (gender)	Disability	National Origin
Sexual Orientation	Retaliation	Gender Identity and Expression	Pregnancy

What issues are associated with your complaint?

Recruitment _____	Sexual Harassment _____
Failure to Hire _____	Transfer _____
Performance Evaluation _____	Promotion _____
Demotion _____	Working Conditions _____
Discharge _____	Other _____

When did the alleged discrimination occur? Date: _____

Where did the alleged discrimination occur? Location:

Describe what happened. (Please use extra pages if necessary.)

[illegible]

Were there any witnesses to the alleged discrimination? Yes ____ No ____

If yes, please provide witnesses names and contact numbers.

ATTACHMENT 13.C

Have efforts been made to resolve this complaint? Yes ____ No ____ If yes, what is the status?

What corrective action do you believe would address your complaint?

Have you filed a previous complaint of alleged discrimination? Yes ____ No ____
If so, please describe the incident and when it occurred.

Have you filed a complaint regarding this matter with any other entity? Yes ____ No ____

If yes, with what agency or organization did you file? _____

Would you like to participate in Mediation? Yes ____ No ____

AFFIRMATION

I affirm under the penalty of perjury that I have read the above complaint and that it is true to the best of my knowledge, information and belief.

Signature

Date

C. DESIGNATION OF EEO PERSONNEL RESPONSIBILITIES

- The Agency should appoint an EEO Officer who has sensitivity to, and an awareness of, the varied ways discrimination occurs, total commitment to program goals and objectives, knowledge of civil rights laws, policies, rules, regulations, and guidelines, and sufficient authority and ability to work and communicate with others to achieve EEO goals and objectives.
- Discuss EEO Officer Responsibilities to include:
 - Developing (or updating) the EEO policy statement
 - Reviewing the agency's nondiscrimination policy with all managers and supervisors to ensure that the policy is understood and is followed in all personnel activities
 - In conjunction with human resources, periodically reviewing employment practices policies (e.g., hiring, promotions, training), complaint policies, grievance procedures, and union agreements
 - Serving as liaison between the agency, Federal, state, county, and local governments, regulatory agencies, minority, women, disability organizations, and other community groups
 - Maintaining awareness of current EEO laws, and ensuring the laws affecting nondiscrimination are disseminated to responsible officials
 - Investigating complaints of discrimination
 - Providing EEO training for employees and managers
 - In conjunction with human resources, advising employees and applicants of available training programs and professional development opportunities and the entrance requirements
 - Auditing postings of the EEO policy statement to ensure compliance information is posted and up-to-date
- Discuss Agency EEO Responsibilities:

Although the EEO Officer is primarily responsible for implementing an agency's EEO policies and procedures, all officials, managers, and supervisors are responsible for carrying out EEO and do not discriminate based on a protected class. All managers—from the supervisor of the smallest unit to the Board Chair or CEO/GM—bear responsibility for ensuring that agency EEO policies and procedures are carried out.

EEO responsibilities for agency officials, supervisors and managers include:

- Participating actively in periodic audits of all aspects of employment to identify and to remove barriers obstructing the achievement of specified goals and objectives
- Holding regular discussions with other managers, supervisors, employees, and affinity groups to ensure agency policies and procedures are being followed

- Cooperating with the EEO Officer in review of information and investigation of complaints
- Encouraging employee participation to support the advancement of EEO (e.g., professional development and career growth opportunities, posting promotional opportunities, shadowing, mentoring)
- A good practice is to establish an advisory committee that reflects all segments of the community and the agency's workforce. Though broader than EEO, another good practice is to implement diversity and inclusion strategies. This can include work with affinity groups or diversity advisory committee(s) and/or use of suggestion boxes (written or electronic).

D. ASSESSMENT OF EMPLOYMENT PRACTICES

This section is not required for LOTS with fewer than 50 transportation-related employees.

The purpose of this assessment is to ascertain whether the employment practices of [Agency Name] could be contributing to underutilization and concentration of minorities and women in the agency.

Recruitment and Selection

Insert a narrative in the EEO Program that describes and analyzes your agency's current recruitment and selection policies and procedures.

A careful evaluation and review of every step of the employee selection process is necessary to ensure that job requirements, hiring standards, and methods of selection and placement are nondiscriminatory. It is a good practice for everyone in the agency who recruits, interviews, hires, promotes, trains, or takes disciplinary actions to have training in the use of objective, job-related standards and obtain a solid understanding of recruitment practices that yield pools of diverse candidates. It is also a good practice to conduct job analyses to identify actual tasks performed and the importance of specific employee skills or traits needed for the job. Agencies must ensure that job descriptions and hiring standards reflect major job functions and do not require qualifications that are higher than needed.

Testing

Insert a narrative in the EEO Program that identifies any written, formal, or scored tests used in the agency's employment selection process, and describes your agency's test administration procedures. This includes weighting test scores (including setting individual question cut-off scores) and establishing threshold scores for passing the test.

FTA requires agencies to explain whether they have had the test validated to predict or measure job performance and, if so, provide an assessment of its nondiscriminatory impact with a description of the validation study test and selection procedures. A properly-conducted validation study can help an employer determine to what extent the information obtained from testing job applicants is predictive of future job performance, and accordingly what weight is given to the results of such tests. Further testing guidance is available on EEOC's website at https://www.eeoc.gov/policy/docs/factemployment_procedures.html.

Promotions and Transfers

Insert a narrative that describes and analyzes your agency's current policies and standard procedures for promotions and transfers, and explains the criteria for advancement and how employees are made aware of the standards to meet.

Good practices include offering:

- Training to employees, personnel, and management staff on proper interview techniques*
- Counseling to assist employees in identifying promotional opportunities*
- Training and educational programs to increase promotion and transfer opportunities*
- Leadership training for identified talent*

Seniority Practices

Insert a narrative that describes your agency's current seniority policies and procedures for union and non-union workers if the seniority policies are different.

Both agencies and unions are responsible for nondiscrimination under federal equal employment opportunity laws and regulations. An agency cannot evade nondiscrimination responsibilities on the basis of union contract terms covering employees. When agencies are negotiating or amending union agreements, FTA requires agencies to review and revise the agreements wherever current provisions are identified as barriers to equal employment.

Training

Insert a narrative that describes your agency's training programs that foster promotion potential, including descriptions of formal and informal training programs and policies and procedures for selection of training candidates. The discussion must evaluate the impact of an agency's training practices on promotion opportunities. FTA requires agencies to describe efforts to locate, qualify, and train employees in protected classes.

A good practice is to periodically review employees' training and promotion potential of minority and female employees, and to encourage eligible employees to apply when openings are available.

Compensation and Benefits

Insert a narrative that describes your agency's wages, salary levels, and other forms of compensation and benefits policies and procedures. The analysis will evaluate the impact of the agency's compensation and benefits practices on any protected class.

FTA requires agencies to review their wage and salary structure to make sure discrimination is not occurring with respect to compensation. Such reviews compare job descriptions and actual job functions of jobs held by employees in protected classes, the length of service, and other factors affecting pay rates. FTA requires agencies to review all benefits (e.g., retirement plans, medical and hospital plans) and conditions of employment to see that they are equally available to all employees.

Further compensation guidance is available on EEOC's website.

Disciplinary Procedures and Termination Practices

Insert a narrative that describes and analyzes your agency's disciplinary procedures and termination practices, including progressive discipline procedures.

The standard for determining when a person will be terminated, demoted, disciplined, or laid off must be the same for all employees.

For analysis purposes, place employees in similarly situated groupings (e.g., subject to the same schedule of disciplinary charges or by labor contract). FTA requires separate analyses for employees subject to different disciplinary processes (e.g., represented employees, non-represented employees, at-will employees).

Many agencies have layoff guidelines or clauses in union contracts that are based on "last hired, first fired". While this practice appears to be neutral, it can have a disparate effect on employees within a protected class who were only recently employed or were blocked out of seniority due to discrimination.

Similar to seniority practices, when agencies are negotiating or amending union agreements, FTA requires agencies to review and revise the agreements wherever current provisions are identified as barriers to equal employment.

FTA requires agencies to review and chart the various forms of discipline imposed on employees, cross-referenced by demographic category. FTA requires agencies to maintain personnel action logs (e.g., applicant flow, promotion, termination, and training) to be used in completing the required statistical employment practices and in evaluating and monitoring any potential disparate impact.

Statistical Impact of Employment Practices on Minorities and Women

Provide statistical data that show any potential impact of employment practices on minorities and women since the last EEO Program submission. This includes:

- The number of applicants for employment in each job category and the number hired, cross-referenced by sex and race
- The number of employees in each job category who applied for promotion or transfer and the number in each job category promoted or transferred, cross-referenced by sex and race
- The number and types of disciplinary actions (e.g., indefinite suspension, loss of pay, demotion), tailored to the language used in union contracts and agency policies and procedures
- The number of voluntary/involuntary terminations, cross-referenced by sex and race
- Job category training that fosters promotion potential, cross-referenced by sex and race

FTA requires agencies to establish privacy protocols that protect self-identifying information, including self-identification for veterans and persons with disabilities, to keep this information separate from application materials, and to clearly explain such protocols to applicants and employees invited to self-identify. This includes having procedures that strictly limit access, such as using a separate sheet for self-identifying information. For online applications, this includes ensuring that the self-identifying section remains separate from the application.

FTA has developed a sample four-fifths rule (or 80 percent) disparate impact analysis in a Microsoft Excel workbook available for download from FTA's website. (See Attachment 4 of FTA Circular 4704.1A for a Sample Employment Practices Chart - <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eo-circular>)

FTA requires agencies to complete the spreadsheets (or alternate documentation containing the same information) by providing current, accurate, and relevant data accompanied by a narrative explaining the source of the data and the results of the analysis. Raw data is not acceptable. FTA notes that determining disparate impact is not a pure arithmetic exercise since other factors contribute to a proper analysis of employment practices. In addition, FTA does not require analysis for any groups constituting less than 2 percent of the applicable workforce.

Individuals with Disabilities and Veterans

Provide statistical data that show any potential impact of an agency's employment practices on persons with disabilities and veterans. This includes the number of applicants for employment and promotions in each job category and the number hired and promoted, cross-referenced by sex and race.

Having this data will assist in measuring the effectiveness of outreach and recruitment efforts for persons with disabilities and veterans.

Example summary tables are included in the sample Microsoft Excel workbook on the “Hires” and “Promotions” tabs. (See Attachment 4 for a Sample Employment Practices Chart in FTA Circular 4704.1A -

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eo-circular>.) As the sample chart shows, the agency is not required to conduct a

four-fifths rule analysis. The agency can set its own specific aspirational goals, but FTA asks agencies to track raw numbers; for example, the number applied, number hired, number applied for promotion, and number promoted.

E. MONITORING AND REPORTING

This section is not required for LOTS with fewer than 50 transportation-related employees.

This section of [Agency Name]’s EEO Program describes [Agency Name]’s internal monitoring and reporting system, which is intended to:

- Assess the results of action plans taken since the last program submission
- Enable [Agency Name] to evaluate the EEO Program at least semiannually (twice a year) and to take any necessary corrective actions.
- Produce documentation that supports actions to implement the plan for minority and female job applicants or employees and informs management of the program’s effectiveness.

Agency Monitoring

Insert a narrative that describes your agency’s:

- *Methods to monitor the EEO components identified in the program*
- *Procedures used to determine EEO compliance of subrecipients and contractors such as collection and review of their EEO Programs, visits to facilities to ensure proper posting of the EEO Policy Statement, etc.*
- *Procedures for reviewing union contracts, in conjunction with human resources, to ensure there is not a disparate impact*
- *Process for monitoring complaints (e.g., describe the tracking system, monitoring of trends, timeliness of investigations, resolutions, reporting to management)*

FTA requires agencies to have a clearly described complaint process that includes employees knowing where and how to file a complaint. FTA requires agencies to maintain a log that documents the name of the complainant, basis of the complaint(s), the protected group, date of initial contact, date of resolution, the resolution reached, and the name of the investigator.

- *Documentation practices*

FTA requires agencies to maintain cumulative records on applicants, hires, transfers, promotions, trainings that foster promotion potential, and terminations.

Agency Reporting

Insert a narrative that describes the frequency and results of your agency's:

- *Meetings held between the CEO/GM and the EEO Officer to discuss the progress of the EEO Program and the results of the monitoring (including but not limited to, hiring, promotions, status of EEO complaints)*
- *All EEO-related meetings held between the EEO Officer and management, including topics covered and follow-up actions*
- *The EEO Officer's meetings with human resources and hiring officials to review current EEO statistics, employment practices and policies (e.g., verifying that job descriptions contain legitimate position requirements and that all testing has been validated)*

FTA requires agencies to maintain records documenting efforts to ensure nondiscrimination (e.g., agendas and sign-in sheets for official EEO training or meetings with management, job postings published, advertisements placed, a log of recruitment locations and dates). This information is not required to be part of the EEO Program submission, but the information must be available at FTA's / MTA's request.

Documentation of Subrecipient and Contractor Monitoring Activities

Attach the following documentation:

- *List of subrecipients or contractors the recipient is monitoring and the services they provide*
- *Proof of review of subrecipients or contractors' EEO Program (e.g., letter or memo to the subrecipient)*
- *Organizational chart showing reporting relationships of all directors, department heads, and executive leadership (include names and titles)*

**DEPARTMENT OF TRANSPORTATION
DBE PROGRAM – 49 CFR PART 26
SAMPLE DBE PROGRAM**

The Department of Transportation (DOT) has prepared this sample program to help recipients comply with 49 CFR Part 26, the DOT DBE rule. We published Part 26 in the Federal Register on February 2, 1999, and it became effective March 4 (64 F.R. 5096). It made extensive revisions to DOT's DBE program, formally administered under 49 CFR Part 23.

This sample program supersedes guidance issued by the operation administrations under former part 23. It does not address the separate DBE program for airport concessionaires, which continues to be administered in accordance with 49 CFR Part 23.

We are providing this sample DBE program for informational purposes, and recipients are not required to use it or its format. However, recipients may wish to use it as a guide in preparing their program documents. Recipients may customize the sample program to fit their circumstances. The three DOT operating administrations with DBE program responsibilities – the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA) – may provide additional guidance for program matters that are specific to their programs. This sample program should, however, lead to greater consistency among recipients' submissions.

At several points, the sample program refers to provisions of part 26. Recipients may quote referenced portions of the rule in their program if they wish, but they are not required to do so. The sample program also provides language for some documents that are part of the program (e.g. policy statements, contract clauses). Except where otherwise noted, recipients are not required to use this language, and may use their own language if it meets regulatory requirements.

In the sample program, we have put instructions and notes in italics. Recipients would not put this italicized material into their program documents.

You may obtain an electronic version of this document, the DBE regulation themselves and other DOT guidance from DOT's website:

<http://osdbuweb.dot.gov/business/dbe/index.html>

The General Counsel of the Department of Transportation has reviewed this sample program and approved it as consistent with the language and intent of 49 CFR part 26.

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

SAMPLE DBE PROGRAM**POLICY STATEMENT****Section 26.1, 26.23****Objectives/Policy Statement**

The [Recipient's name] has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The [Recipient] has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the [Recipient] has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the [Recipient] to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

[Name or title of appropriate person or office] has been delegated as the DBE Liaison Officer. In that capacity, [Name or title] is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the [Name Recipient] in its financial assistance agreements with the Department of Transportation.

[Name Recipient] has disseminated this policy statement to the [identify the governing board or officials of the recipient] and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. [Specify how this distribution is accomplished]

[Signature of Recipients Chief Executive Officer]

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability

The [Recipient] is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

The [Recipient] is the recipient of federal –aid highway funds authorized under Titles I and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21, Pub. L. 105-178, 112 Stat. 107.

The [Recipient] is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

Section 26.5 Definitions

The [Recipient] will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

The [Recipient] will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the [Recipient] will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

We will report DBE participation to DOT as follows:

[FAA Recipients] - We will submit annually DOT Form 4630, as modified for use by FAA recipients.

[FTA Recipients] – We will report DBE participation on a quarterly basis, using DOT Form 4630. These reports will reflect payments made to DBEs on DOT-assisted contracts.

[FHWA Recipients] – We will report DBE participation on a quarterly basis, using DOT form 4630.

Bidders List: 26.11(c)

The [Recipient] will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

We will collect this information in the following ways:

[Note-Program should indicate the methods the recipient will use to obtain this information. The regulation does not mandate a particular method. Options include, but are not limited to, a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts; a recipient-directed survey of a statistically sound sample of firms on a name/address list to get age/size information; a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report information directly to the recipient, etc.]

Section 26.13 Federal Financial Assistance Agreement

[Recipient] has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

[Recipient] shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the [Recipient] of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

This language will appear in financial assistance agreements with sub-recipients.

[Note: This language is to be used verbatim, as it is stated in 26.13(a).]

Contract Assurance: 26.13b

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

[Note: This language is to be used verbatim, as it is stated in 26.13(b)]

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

Since the [Recipient] has received a grant of [For FAA Recipients: \$250,000 or more for airport planning or development,] [For FTA recipients: \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year,] [For FHWA recipients: authorized by the statute for which this part applies,] we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

[Provide the name, address, telephone number, and e-mail address]

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the [Recipient] complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the [indicate chief executive officer of recipient] concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment __ to this program.

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of [indicate the number of staff] to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes [Name Recipient]'s progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Participates in pre-bid meetings.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in [name of State].
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Maintains the [Recipient]'s updated directory on certified DBEs.

[Note: List responsibilities of other personnel responsible for DBE Program implementation].

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

Section 26.27 DBE Financial Institutions

It is the policy of the [Recipient] to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. We have made the following efforts to identify and use such institutions: [specify].

To date we have identified the following such institutions: [List]

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Section 26.29 Prompt Payment Mechanisms

The [Recipient] will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than [specify number] days from the receipt of each payment the prime contract receives from [Recipient]. The prime contractor agrees further to return retainage payments to each subcontractor within [specify same number as above] days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the [Recipient]. This clause applies to both DBE and non-DBE subcontracts.

[Note – This is sample language, and recipients can use existing prompt payment clause or draft their own, if they meet the substantive requirements of 26.29. This portion of the program must also state what sanctions/consequences the recipient attaches to noncompliance with the prompt payment clause and the procedures through which they are enforced. In addition, this portion of the program may also include other prompt payment – related provisions, such as an alternative dispute resolution mechanism that the recipient chooses to use.]

Section 26.31 Directory

The [Recipient] maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. We revise the Directory [state interval; must be at least annually.] We make the Directory available as follows: [list address, phone number, website, or other means by which interested persons can obtain access to the Directory]. The Directory may be found in Attachment ____ to this program document.

[Note: All recipients are required to participate in a combined statewide directory when the Uniform Certification Program becomes operational. At that time, this portion of the program will state how interested persons can obtain access to this combined directory.]

Section 26.33 Overconcentration

[Recipient] has not identified that overconcentration exists in the types of work that DBEs perform.

Or

[Recipient] has identified that overconcentration exists in [state area].

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

[Note: If a recipient has identified overconcentration, then please describe the rational for having the program element, the specific provisions of the element (e.g., what is the overconcentration that has been identified, how does the program element work, and how interested persons would obtain information about the program element.)]

Section 26.35 Business Development Programs

[Recipient] has a business development program. The rational for the program is *[describe rational for having the program element, the specific provisions of the element (e.g., who is eligible to participate, how does the program element work), and how interested persons would obtain information about the program element]*.

Or

[Recipient] has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

The *[Recipient]* will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment ____ lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award, is performed by the DBEs. This will be accomplished by *[describe the mechanism]*.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The *[Recipient]* does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment ____ to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f) the *[Recipient]* will submit its overall goal to DOT on August 1 of each year. *[If you are a FAA or FTA recipient, or you are submitting a contract goal, the date of submission will be determined by the operating administration.]* Before establishing the overall goal each year, *[Recipient]* will consult with the *[Note-Program should identify the persons or groups with whom this consultation normally occurs, without limiting consultation to these persons or groups.]* to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the *[Recipients]* efforts to establish a level playing field for the participation of DBEs.

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

[Note: The consultation should include, but not necessarily be limited to, minority, women's and general contractor groups, community organizations, and other officials or organizations.]

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice.

[Program should state the media in which this notice was issued: e.g. newspapers, available minority-focus media, trade publications, websites.] Normally, we will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.49 Transit Vehicle Manufacturers Goals

[Recipient] will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, *[Recipient]* may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

[Note: this element applies only to FTA recipients' programs. If an FAA or FHWA recipient uses this approach to purchases of equipment, it would add a similar element to its program.]

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment ____ to this program. This section of the program will be updated annually when the goal calculation is updated.

[Note: If the recipient intends to use any race-conscious means of obtaining DBE participation other than contract goals it should describe them here.]

Section 26.51(d-g) Contract Goals

The *[Recipient]* will use contract goals to meet any portion of the overall goal *[Recipient]* does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met using race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, and availability of DBEs to perform the work).

We will express our contract goals as a percentage of *[total amount of a DOT-assisted contract]* or *[the Federal share of a DOT-assisted contract]*.

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

[Note: Recipients can choose either approach; program should mention which choice the recipient made].

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as *[responsive or responsible]* [Note: Recipients can choose either approach].

We will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

[Recipient] treats bidder/offers' compliance with good faith efforts' requirements as a matter of *[responsiveness]* or *[responsibility]*.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors' commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within ___ days of being informed by [Recipient] that it is not *[responsive or responsible]* because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: *[provide name, address, phone number, e-mail address.]* The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

[Note – If there are more detailed reconsideration procedures, the recipient can include them here or in an attachment reference here.]

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

[Recipient] will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

[Note: Include the administrative remedies you will use for noncompliance (see 26.53(f)(3)). The following two sentences are examples of such remedies]

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the *[Name of Recipient]* to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offers, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

[Note: When a contract goal is established pursuant to the recipient's DBE program, the sample bid specification can be used to notify bidders/offers of the requirements to make good faith efforts. The forms found at Attachment ____ can be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements. The sample specification is intended for use in both non-construction and construction contracts for which a contract goal has been established. Thus, it can be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents. A bid specification is required only when a contract goal is established.]

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D – CERTIFICATION STANDARDS**Section 26.61 – 26.73 Certification Process**

[Recipient] will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts.

For information about the certification process or to apply for certification, firms should contact:
[Provide name, address, phone number, and e-mail address of contact person]

Our certification application forms and documentation requirements are found in Attachment ___ to this program.

SUBPART E – CERTIFICATION PROCEDURES**Section 26.81 Unified Certification Programs**

[Recipient] is the member of a Unified Certification Program (UCP) administered by [Name]. The UPC will meet all the requirements of this section. The following is a description of the UCP:
[describe UCP]

Or

[Recipient] is not a member of a UCP at this time. We intend to have a program established by [state date]. The steps we have taken to help create an UCP in our state are: *[describe steps]*.

[Note: This is also the place in the program to describe certification reciprocity or coordination mechanisms that exist with other recipients (e.g. a regional certification consortium).]

Section 26.83 Procedures for Certification Decisions**Re-certifications 26.83(a) & (c)**

We will review the eligibility of DBEs that we certified under former part 23, to make sure that they will meet the standards of Subpart E of Part 26. We will complete this review no later than three years from the most recent certification date of each firm. Our schedule for this review process will be: *[Include milestones; e.g., our {number} most active firms by {date}, our {number} next most active firms by {date}, etc.]*

For firms that we have certified or reviewed and found eligible under part 26, we will again review their eligibility *[state interval at which you intend such reviews. Part 26 says you may not conduct such reviews more often than every three years, but you are not required to conduct them at any specific interval.]* These reviews will include the following components: *[List elements of review; e.g., will an on-site review or a filling out a new application be mandated, or will recipient make these determinations on a case-by-case basis?]*

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

"No Change" Affidavits and Notices of Change (26.83(j))

We require all DBEs to inform us, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership, or control criteria of 49 CFR Part 26 or of any material changes in the information provided with [Recipients] application for certification.

We also require all owners of all DBEs we have certified to submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j). The test of this affidavit is the following: *[This is sample language consistent with the regulatory provision. You may substitute other language consistent with the rule.]*:

I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR part 26. There have been no material changes in the information provided with [name of DBE]'s application for certification, except for any changes about which you have provided written notice to the [Recipient] under 26.83(j). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed \$16.6 million.

We require DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

We will notify all currently certified DBE firms of these obligations [program should state how and when]. This notification will inform DBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.

Section 26.85 Denials of Initial Requests for Certification

If we deny a firm's application or decertify it, it may not reapply until [select number of months up to 12] have passed from our action.

Section 26.87 Removal of a DBE's Eligibility

In the event we propose to remove a DBE's certification, we will follow procedures consistent with 26.87. Attachment____ to this program sets forth these procedures in detail. [Note – Recipients should create and append such a procedural attachment.] To ensure separation of functions in a de-certification, we have determined that [name of official or office] will serve as the decision-maker in de-certification proceedings. We have established an administrative "firewall" to ensure that [same official or office named in previous sentence] will not have participated in any way in the de-certification proceeding against the firm (including in the decision to initiate such a proceeding).

Section 26.89 Certification Appeals

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights Certification Appeals Branch

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

400 7th Street, SW
 Room 2104
 Washington, D.C. 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

[Note: If a recipient has a system for administrative appeals of certification decision, it should mention it here and provide details of the procedure in an Attachment. The program should inform the public that resort to this system is not a remedy a firm need exhaust before making a certification appeal to DOT under 26.89].

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclose to third parties' information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. *[Program should summarize applicable state and local law, such as state FOIA laws and how they apply.]*

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be make available for inspection upon request by any authorized representative of the *[Recipient]* or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

ATTACHMENTS

[List and append; we recommend that a copy of part 26 be attached to the program so that public users to whom we send copies can have it handy]

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Calculation
Attachment 5	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 6	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 7	Certification Application Forms
Attachment 8	Procedures for Removal of DBE's Eligibility
Attachment 9	Regulations: 49 CRR part 26

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

Attachment 1

Organizational Chart

Airport Board of Commissioners

Executive Director

Airport Director

Airport Operations Division Airport Grant Administration

DBE Liaison Officer

Attachment 2

DBE Directory

ABC Mechanical Services, Inc
123 Airport Drive
Anywhere, Anystate 12345
(123) 555-1111

Sheet Metal

ABC Electrical
567 Plug Drive
Circuit City, Anystate 12345
(123) 555-2222

Electrical

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

Attachment 3**Monitoring and Enforcement Mechanisms**

The Airport Authority has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to [*State Code Section X*];
3. [*List the other laws, statutes, regulations, etc. that are available to enforce the DBE requirements.*]

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

Attachment 4**Section 26.45: Overall Goal Calculation****Amount of Goal**

1. [Recipient]'s overall goal for FY 20__ is the following: __% of the Federal Financial assistance we will expend in DOT-assisted contracts. *[FTA recipients add: exclusive of FTA funds to be used for the purchase of transit vehicles.]*

or

1. [Recipient]'s overall goal for the following time period 20__-20__ is the following: __% of the Federal financial assistance we will expend in DOT-assisted contracts. *[FTA recipients add: exclusive of FTA funds to be used for the purchase of transit vehicles.]*

2. \$_____ is the dollar amount of DOT-assisted contracts that [Recipient] expects to award during FFY20__. This means that [Recipient] has set a goal of expending \$_____ with DBEs during this fiscal year/project.

Methodology used to Calculate Overall Goal**Step 1: 26.45(c)**

Determine the base figure for the relative availability of DBEs.

The base figure for the relative availability of DBE's was calculated as follows:

$$\text{Base figure} = \frac{\text{Ready, willing, and able DBEs}}{\text{All firms ready, willing, and able}}$$

The data source or demonstrable evidence used to derive the numerator was:

The data source or demonstrable evidence used to derive the denominator was:

When we divided the numerator by the denominator we arrived at the base figure for our overall goal and that number was

Step 2: 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

To reflect as accurately as possible, the DBE participation we would expect in the absence of discrimination we have adjusted our base figure by __%.

The data used to determine the adjustment to the base figure was:

The reason we chose to adjust our figure using this data was because:

From this data, we have adjusted our base figure to:

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

Public Participation

We published our goal information in these publications:

We received comments from these individuals or organizations:

Summaries of these comments are as follows:

Our responses to these comments are:

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

Attachment 5**Section 26.51: Breakout of Estimated
Race-Neutral & Race Conscious Participation**

[*Recipient*] will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The [*Recipient*] uses the following race-neutral means to increase DBE participation: [*List the things that you actually do. See Section 26.51(b) for examples*]

We estimate that, in meeting our overall goal of __%, we will obtain __% from race-neutral participation and __% through race-conscious measures.

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation: [*summarize how the estimate was derived: from private sector MBE/WBE participation, DBE participation of DBEs in local procurement programs in which there are no DBE contract goals, extend of your race-neutral business assistance efforts.*]

To ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

We will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

Attachment 6**Forms 1 & 2 for Demonstration of Good Faith Efforts**

[Forms 1 and 2 should be provided as part of the solicitation documents.]

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ The bidder/offeror is committed to a minimum of _____ % DBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract a submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ Title _____
(Signature)

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)

<http://osdbuweb.dot.gov/programs/dbe/newkit.html>

Attachment 7

Certification Application Forms

[Include in this attachment a copy of the certification forms that you require the DBE to fill out. Also, make sure to include the affidavit of personal net worth.]

Attachment 8

Procedures for Removal of DBE's Eligibility

[Set out the procedures in 26.87 for the removal of DBE's eligibility in this attachment.]

Attachment 9

Regulations: 49 CFR Part 26

[We recommend that you attach a copy of the regulations to your program so that the public users to whom you send copies can have it handy.]

[You may attach other documents as you see necessary to make your program as complete as possible. The current list of attachments is an example and can be modified at your convenience.]

EXAMPLE OF WRITTEN POLICIES AND PROCEDURES FOR SOLICITING PUBLIC COMMENTS ON PROPOSED TRANSIT SERVICE AND FARE CHANGES

POLICY

(County or Transit System Name) will provide opportunity for public comment before changing a fare or carrying out a major reduction of transportation services, according to the procedures outlined. ***(Note: MTA encourages you to apply this to service expansions as well.)***

A major reduction in service is defined as a change that impacts 25 percent of service hours of any route or demand-responsive service, including the deletion of a route or major alteration of a portion thereof. ***(Note: this definition is only one example – your locally-determined definition may be different.)***

(County or Transit System Name) will notify the Maryland Transit Administration (MTA) concurrently with announcing proposed fare changes to the public.

PROCEDURES

The purpose of these procedures is to ensure adequate and reasonable opportunity for public input with regard to proposed fare and service changes. In addition, these procedures are intended to ensure that no segment of the population suffers any adverse impacts of such changes disproportionately.

General Requirements

A public hearing shall be conducted on the proposed change(s). At a minimum, notice of the proposed change(s) shall be given by the *(County or Transit System Name)* 30 days in advance of the public hearing. Such notice shall be distributed and/or posted as follows:

- Notices distributed to the _____ County Public Library for posting at branches.
- Notices distributed to the *(applicable MPO)* for posting in their offices, posting on their web site, and distribution to their Public Advisory Committee members.
- Notices distributed to *(any connecting transit service that may be impacted by the proposed changes)* for posting on some of its vehicles.
- Notices posted in the County Court House, the Commissioners Offices, Community College, and the *(Department of Aging and/or other human service agencies whose clients rely on the services)*.
- Notices, in the form of press releases, distributed to electronic and print media.
- Notices posted on all transit vehicles operated by the *(County or Transit System Name)*.
- Notice posted on the *(County or Transit System Name)*'s web site.

Such notices shall contain the following information:

- The proposed effective date.
- A detailed description of the proposed change, and, if applicable, the area(s) to be affected.
- Date and place where more details on the proposed change can be viewed.
- A telephone contact number to ask questions or register comments.
- E-mail and street addresses to which to submit questions and comments.
- The date, time, and location of the public hearing before the Board of County Commissioners **(if appropriate)**.

A log of all comments shall be kept, made available to the public, and presented at the public hearing. Such service changes as may be proposed shall not be effectuated until after the public hearing and consideration of any comments received.

If significant public comment is received, which differs from the proposed changes, the comment period will be extended for an additional 30 days in order to solicit further public input. Notification of the extension will also be advertised and posted. During the extension, the *(County or Transit System Name)* will review all additional public comment, and following consultation with MTA, it will present its final recommendation at another scheduled public hearing. After the public has concluded its second 30-day commenting period, the *(County or Transit System Name)* will render a final decision on implementation of proposed service and/or fare changes following the completion of the hearing process.

MTA Notification

MTA will be informed of proposed fare or service changes concurrently with the public notice process. Following this notification, the *(County or Transit System Name)* will present the proposed service schedule change(s) at a scheduled public hearing.

CHECKLIST OF PUBLIC NOTICE REQUIREMENTS FOR FARE AND SERVICE CHANGES (REQUIRED STEPS)

This checklist is organized into five phases, with a **minimum** of 31 days needed for the following seven-step public comment and notice process as summarized:

1. Develop proposal of specific changes to be implemented.
2. Day 1 - Notify public that material regarding changes is available for the public to review as well as details on any public meeting/hearing.
3. Days 1-30 - Accept written comments.
4. Day 30 - Hold public meeting/hearing if required and close the public comment period.
5. Day 30 - Make final decision on what changes will be implemented. This step must be documented in writing
6. Day 30 - Announce results of public consultation process including, but not limited to, final decisions and implementation schedule.
7. Day 31 - Implement changes if appropriate.

Phase I: Prepare Proposal of Changes

1. Determine details of proposed change and put in writing, in a format appropriate for public review.
2. Submit proposed change to MTA Regional Planner.

Phase II: Solicit Public Comment

For this phase, choose from the following two approaches based on your local process and policies:

- II.A. If public hearing/meeting (*i.e., no request needed.*)
- or
- II.B. If *opportunity* for public hearing/meeting

II.A. If public hearing/meeting (*i.e., no request needed.*)

1. Schedule public hearing.

2. Ensure written proposal is ready and available for public review upon request by the time notice is published.
3. Publish advertisement of public comment period at least 30 days before the hearing. This advertisement must include:
 - Date, time, and place of public hearing
 - Description of the proposed change
 - How to obtain or where to review details of the proposed change
 - Procedures for soliciting written public comment
 - Procedures for requesting special accessibility accommodations at the public hearing
4. Submit written proposal to MTA Regional Planner.
5. Make written proposal available for public review upon request.
6. Accept written comments for at least a 30-day period (for example, until the date of the public hearing).
7. Conduct public hearing.

II.B. If *opportunity for public hearing/meeting*

1. Tentatively schedule public hearing.
2. Ensure written proposal is ready and available for public review upon request.
3. Publish advertisement of public comment period at least 30 days before the tentative hearing. This advertisement must include:
 - Announcement of the opportunity for a public hearing if requested
 - Date, time, and place of potential public hearing (if requested)
 - Procedures for requesting the public hearing. This must include the deadline requesting the hearing, which must provide for at least a 3-week time window from the date of publication of the advertisement
 - Description of the proposed change
 - How to obtain or where to review details of the proposed change
 - Procedures for soliciting written public comment
 - Procedures for requesting special accessibility accommodations at the public hearing
4. Submit written proposal to MTA Regional Planner.

5. Make written proposal available for public review upon request.
6. Accept requests for the public hearing for a window of time at least 3 weeks long.
7. Accept written comments for at least a 30-day period (for example, until the date of the tentative public hearing).
8. If requested, conduct public hearing.

Phase III: Address Comments Received, Make Final Decision and Notify MTA

1. If any comments are received in writing or during the public hearing, you must respond to them. Depending upon the nature of the comments and the seriousness of the concerns expressed, this may be as simple as summarizing why they do not impact the proposal, or this may require revising the proposal.
2. Make final determination regarding the proposal and document this decision in writing (along with response to public comments received).
3. Submit documentation steps taken in public comment period to MTA, including how comments were addressed.
4. If substantive comments are received, and result in revisions to the proposed change, Phase II must be repeated.

Phase IV: Public Notice of Approved Changes

1. Notify your customers of the impending change in advance (at least 30 days in advance is recommended). This should include:
 - Posting information about the change on board your vehicles and at passenger facilities,
 - Providing your passengers with printed “rider alerts,”
 - Sending news releases and public service announcements,
 - Sending notice to organizations whose clientele or employees use the affected service, and
 - Revising and reprinting your map and schedule brochures, or providing a printed insert of the change.
2. Provide copies of the notification to your MTA Regional Planner.

Phase V: Implement Changes

Maryland Intercity Bus Section 5311(f) Monthly Report

Legal Name:

Operating Assistance--New or Existing Route

FY 2017															
	Jul	Aug	Sep	Oct	Sep	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Project Total	Budget
EXPENSES															
Administration															
Maintenance															
Fuel and Lubricants															
Fleet Administration															
Station Costs															
Insurance															
Other															
TOTAL	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
REVENUES															
Farebox Receipts															
Packages Revenue															
Terminal Revenue															
Storage Locker Revenue															
Other															
TOTAL	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
OPERATING DEFICIT															
OPERATING SUBSIDY															
SERVICE STATISTICS															
Total Passenger Trips															
No. Days Operation															
Total Service Miles															
Total Service Hours															
Cost per Passenger	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Cost per Mile	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Cost per Hour	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Passengers per Mile	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Passengers per Hour	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Revenue per Passenger	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Subsidy per Passenger	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
EXPENSES/MILESTONES															
Capital: Multi-Modal/Public Facilities/Vehicle Retrofits/Other															
1															
2															
3															
4															
5															
6															
TOTAL	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Marketing Project															
1															
2															
3															
4															
5															
6															
TOTAL	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

Maryland Intercity Bus: Monthly Reporting - FY 2017 - FY 2018

Jurisdiction/Program:

Legal Applicant:

Month/Year:

FY 2017-FY2018 MONTHLY RIDERSHIP SUMMARY

	Stop - Number	Stop - Location	Passenger Trips On	Passenger Trips Off	Passenger Trips ADA On	Passenger Trips ADA Off
Maryland Intercity Bus						
Route Name:	1					
	2					
	3					
	4					
	5					
	6					
	7					
	9					
	10					
	11					
	12					
Total Passenger Trips			0	0		
Total ADA Passenger Trips					0	0